

Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Government Bill

Explanatory note

General policy statement

This Bill establishes the following marine protected areas in the Hauraki Gulf:

- 2 marine reserves:
- 5 seafloor protection areas:
- 12 high protection areas.

Background

This Bill seeks to address the ongoing environmental decline of the Hauraki Gulf / Tīkapa Moana (the **Gulf**) due to human activities, as described in consecutive “State of our Gulf” reports.¹ Pressures from harvesting and utilisation activities, land-based activities (such as pollution and sedimentation), and climate change have contributed to a decline in coastal and marine biodiversity. Those issues are manifesting in the increasing prevalence of ecosystem changes such as kina barrens, habitat loss, and localised fisheries depletion.

New Zealand and international experts consider area-based marine protection to be one of the most effective methods for protecting marine life. At present the Gulf has 6 marine reserves and 4 cable protection zones (**CPZs**), which are recognised as Type 2 marine protected areas.²

¹ Every 3 years, the Hauraki Gulf Forum, established under the Hauraki Gulf Marine Park Act 2000, produces a report on the state of the Hauraki Gulf environment and the initiatives by agencies for its protection and enhancement. See <https://gulffjournal.org.nz/state-of-the-gulf/>

² These are protected areas established outside the Marine Reserves Act 1971 that provide enough protection from the adverse effects of activities, including fishing, to meet the Marine Protected Areas Protection Standard. That standard is that the marine protected area enables the

The Bill creates 2 new marine reserves as extensions to existing marine reserves, 12 high protection areas (**HPAs**), and 5 seafloor protection areas (**SPAs**). Those areas will increase protection almost threefold from 6.7% to just over 18% of the Gulf (including the CPZs). Together they will create a more effective network of marine protection. This will result in positive biodiversity outcomes and contribute to the goal of restoring the overall health and mauri of the Gulf.

The development of those marine protection areas was initiated in the 2017 *Sea Change – Tai Timu Tai Pari: Hauraki Gulf Marine Spatial Plan* (the **Sea Change plan**). This is a non-statutory marine spatial plan for the Gulf developed by an independently formed stakeholder working group.

In response to the Sea Change plan, in 2021 the Government released *Revitalising the Gulf: Government action on the Sea Change Plan* (**Revitalising the Gulf**). The marine protection areas proposed in *Revitalising the Gulf* were based on those proposed in the Sea Change plan. A ministerial advisory committee provided independent advice on the proposals.

In establishing those marine protection areas, the Government recognises rights and interests of Māori provided for by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Marine and Coastal Area (Takutai Moana) Act 2011. The HPAs and SPAs will not affect an applicant group's ability to obtain recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011. The HPAs and SPAs will also not affect the exercise of protected customary rights or rights held by a customary marine title group under that Act.

Marine reserves

New marine reserves are being established as extensions to the existing Cape Rodney–Okakari Point Marine Reserve and the Whanganui A Hei (Cathedral Cove) Marine Reserve. Marine reserves are a very effective way of protecting marine life and habitats. They are strictly “no take”, including marine life, shells, rocks, and driftwood.

They also provide control sites for understanding the impact of fishing elsewhere, and for measuring changes in the marine environment over time.

Once established, the marine reserves will be treated as if they were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971.

Although this Bill will establish new marine reserves adjacent to the existing marine reserves, they are in effect extensions of the existing marine reserves, and subject to the same rules and provisions as the existing marine reserves. They are also subject to the same compliance and enforcement regime.

maintenance or recovery of the site's biological diversity at the habitat and ecosystem level to a healthy functioning state.

High protection areas and seafloor protection areas

The purpose of HPAs is to protect, restore, and enhance biodiversity within the HPAs. A range of activities will be prohibited in HPAs, including commercial and recreational fishing, large-scale removal of non-living materials such as sand, stone, and driftwood, and the dumping or discharge of waste, sewage, or litter that will have a more than minor adverse impact on aquatic life.

Customary fishing will be allowed in HPAs, provided the customary fishing aligns with the biodiversity objectives for a site, and is authorised through the existing customary fisheries framework under the Fisheries Act 1996.

The purpose of SPAs is to maintain and restore benthic habitats within the SPAs. Activities prohibited in SPAs include trawling that makes contact with the seabed, dredging, and Danish seining fishing methods. Dumping, depositing, or discharging waste or other matter that is likely to have an adverse effect on aquatic life is prohibited. Sand extraction, mining, and aquaculture are also prohibited. There will be additional prohibitions on set netting, potting, and bottom longlining in the SPA around the Mokohīnau Islands. Fishing methods and activities that are not harmful to seafloor habitats, such as spear fishing and line fishing, are permitted in the SPAs.

Customary fishing in high protection areas and seafloor protection areas

In HPAs, traditional non-commercial food gathering (customary fishing) will continue to be exercised under regulations made under section 186 of the Fisheries Act 1996, regulations made under section 297 of the Fisheries Act 1996 for the purpose of section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, or subpart 5 of Part 2 of the Fisheries (Amateur Fishing) Regulations 2013.

Those activities can only occur if the fishing activity is not contrary to any restrictions determined by the biodiversity objectives for the site. The biodiversity objectives for HPAs will be agreed with Māori and provided for through regulations.

In SPAs, customary fishing using methods prohibited in those areas cannot occur (for example, trawling that makes contact with the seabed, Danish seining, or dredging). Customary fishing using any other method can occur in those areas.

Prohibitions

A technical analysis determined what activities have the greatest impact on the seafloor. Those activities are prohibited in SPAs.

The prohibitions in HPAs are more extensive than SPAs and reflect the purpose of those areas, which is to protect, restore, and enhance biodiversity.

The prohibitions for both SPAs and HPAs do not prohibit ship passage, tourism operations, or non-fishing recreational activities (unless those activities have a more than minor adverse effect on aquatic life).

Exemptions to prohibitions

Feedback received during engagement highlighted the need for some exemptions to prohibitions to allow for activities related to customary practices, emergencies, bio-security threats, shipping, etc.

Compliance and enforcement for high protection areas and seafloor protection areas

The marine reserves will be subject to the compliance and enforcement regime, including the offences and penalties system, in the Marine Reserves Act 1971.

The HPAs and SPAs will have an offences and penalties system modelled on the Marine Reserves Act 1971 but updated to include a corporate liability clause and to be more aligned with modern conservation legislation.

The Bill provides for powers of rangers in HPAs and SPAs modelled on the Marine Reserves Act 1971.

Permitting regime

This Bill provides for the issuing of permits for otherwise prohibited or regulated activities in HPAs and SPAs. Instances where permits may be appropriate include for undertaking mātauranga Māori activities or scientific study, active restoration, or maintenance of existing infrastructure.

Departmental disclosure statement

The Department of Conservation is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2023&no=282>

Regulatory impact statement

The Department of Conservation produced a regulatory impact statement on 28 November 2022 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2022-consultations/help-revitalise-hauraki-gulf/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill.

Clause 4 provides that the Bill must be interpreted and administered so as to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi.

Clause 5 defines terms used in the Bill.

Clause 6 indicates that any transitional, savings, and related provisions are set out in *Schedule 1*.

Clause 7 provides that the Bill when enacted binds the Crown.

Clause 8 provides for the application of other legislation to the Bill. In general terms, it provides that—

- a person performing a function or exercising a power under the Bill must comply with any other enactment that relates to that function or power; and
- a requirement to obtain a permit under the Bill does not affect a requirement to obtain a permit, consent, or other permission required under another enactment; and
- the Bill does not affect an applicant group's ability to obtain recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011, or the exercise of protected customary rights or rights held by a customary marine title group under that Act.

Clause 9 provides that nothing in the Bill limits the immunity of foreign military ships or aircraft, or foreign governmental ships operated for non-commercial purposes, or the crews of those ships or aircraft.

Part 2

Protected areas

Subpart 1—Marine reserves

Clause 10 establishes marine reserves over the areas described in *Schedule 2*. The marine reserves are situated alongside and contiguous with existing marine reserves, and so in effect will be extensions of the existing marine reserves.

Clause 11 provides that the marine reserves established by *clause 10* are to be treated as if they were established by an Order in Council made under section 4(1) of the Marine Reserves Act 1971. Any other enactments that apply to marine reserves (such as the Marine and Coastal Area (Takutai Moana) Act 2011 and the Hauraki Gulf Marine Park Act 2000) apply in the same way to the marine reserves established by *clause 10*.

Subpart 2—Seafloor protection areas and high protection areas

Clause 12 sets out the purpose of seafloor protection areas.

Clause 13 establishes seafloor protection areas over the areas described in *Schedule 3*.

Clause 14 prohibits various activities in seafloor protection areas, including aquaculture, dumping, dredging, and trawling that makes contact with the seabed. *Clause 14* provides that a person must not undertake a prohibited activity in a seafloor protection area unless an exception applies or the activity is undertaken in accordance with a permit.

Clause 15 prohibits additional activities in the Mokohīnaui Islands Seafloor Protection Area.

Clause 16 sets out the purpose of high protection areas.

Clause 17 establishes high protection areas over the areas described in *Schedule 4*.

Clause 18 prohibits various activities in high protection areas, including fishing, aquaculture, the removal of sand, shingle, shell, or other natural material, and dumping. Some activities (such as causing vibrations or disturbing aquatic life) are only prohibited if carried out in a manner that is likely to have a more than minor adverse effect on aquatic life. The effect of this is that recreational activities such as swimming, snorkelling, and short-term boat anchorage are not prohibited. *Clause 18* provides that a person must not undertake a prohibited activity in a high protection area unless an exception applies or the activity is undertaken in accordance with a permit.

Clauses 19 to 21 set out the exceptions to the activities prohibited by *clauses 14, 15 and 18* in seafloor protection areas and high protection areas. *Clause 19* provides that a person who is authorised to undertake customary fishing (under an enactment granting authority to undertake customary fishing) may undertake customary fishing in a high protection area. *Clause 20* provides for the small-scale removal of sand from a seafloor protection area, and small-scale removal of sand, shingle, shell, or other natural material from a high protection area, and prescribes restrictions relating to that removal. *Clause 21* provides for other general activities to which the prohibitions do not apply, including actions taken under enactments such as the Biosecurity Act 1993 or the Resource Management (Marine Pollution) Regulations 1998, training activities undertaken by the New Zealand Defence Force, emergencies, and transit shipping.

Subpart 3—Official geographic names

Clauses 22 to 25 relate to the official geographic naming of the marine reserves, seafloor protection areas, and high protection areas established by the Bill. *Clause 23* provides that the names given to the marine reserves, seafloor protection areas, and high protection areas are official geographic names for the purpose of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. *Clause 24* provides for the publication of the names, and *clause 25* provides requirements for the subsequent alteration of the names.

Part 3

Permits, enforcement, and regulations for protected areas

Clause 26 defines terms used in *Part 3* of the Bill. In that Part, protected area means a seafloor protection area or a high protection area, as *Part 3* of the Bill applies specifically to those protected areas (and not to marine reserves).

Subpart 1—Permits

Clauses 27 to 32 set out the process for obtaining a permit authorising a person to undertake a prohibited activity within a protected area. The key elements of that process are that—

- a person must apply to the Director-General of the Department of Conservation (the **Director-General**) for a permit in the form approved by the Director-General;
- the Director-General may seek further information in relation to the application, and must consider certain matters before making a decision, including the anticipated effects of the activity on the protected area, its biodiversity objectives, and the rights and interests of whānau, hapū, and iwi that exercise kai-tiakitanga in the protected area;
- the Director-General may approve the application if certain grounds are met, or decline the application in their discretion. The Director-General may impose conditions on the granting of a permit;
- permit conditions may be amended, or the permit revoked, in certain circumstances.

Clause 33 provides that certain persons have a right of appeal to the High Court on a question of law relating to decisions of the Director-General in relation to permits. *Clause 34* provides that a permit may be transferred to another person.

Subpart 2—Monitoring and enforcement

Clauses 35 to 40 relate to the monitoring and enforcement of the prohibitions in the protected areas. *Clauses 35 and 36* provide for the appointment of rangers, and *clauses 37 to 40* specify their powers. Those powers include—

- the power to stop a person, order them to refrain or desist from carrying out a prohibited activity, and require them to provide their name and contact details;
- the power to question a person and require the production of documents (such as a permit or licence) for the purposes of monitoring compliance with requirements imposed by the Bill;
- the power to stop, enter, and search any vehicle or vessel, and seize any thing that the ranger believes is being used in the commission of, or is evidence of the commission of, an offence against the Bill.

Clause 40 sets out the process for the release or disposal of fish, aquatic life, seaweed, or natural material removed from a protected area in contravention of the Bill. It pro-

vides for any fish, aquatic life, or seaweed that is alive and likely to survive to be returned to the protected area. Fish, aquatic life, or seaweed that is dead or unlikely to survive may be disposed of in the manner determined by the Director-General, retained for evidential purposes, or retained or disposed of in accordance with the regulations.

Clauses 41 to 43 provide for the offences against the Bill. *Clause 41* provides that a person commits an offence if the person undertakes a prohibited activity within a protected area. That offence is a strict liability offence, and *clause 44* provides that, in a prosecution for an offence against *clause 41*, it is not necessary to prove that the defendant intended to commit the offence. *Clause 42* provides that it is an offence to undertake a prohibited activity within a protected area knowing that the activity is prohibited. *Clause 43* provides for other offences, such as failing to comply with the directions of a ranger, and obstructing or threatening a ranger.

Clause 45 provides for the liability of a director or manager if the person convicted of an offence against the Bill is a body corporate.

Clause 46 is a time limitation clause, which provides that a charging document for an offence against the Bill must be filed within 12 months of the offending conduct.

Clauses 47 to 56 relate to infringement offences. *Clause 47* sets out the infringement offences, and *clauses 49 to 56* provide for matters such as who may issue an infringement notice, what the notice must contain, and how it is to be served. *Clause 48* provides for the relationship between infringement offences and offences referred to in *clauses 41 to 43*. It provides that a person who is proceeded against for an infringement offence cannot also be charged with, prosecuted for, or convicted of an offence against any of *clauses 41 to 43* in respect of the same conduct. Conversely, a person charged with, prosecuted for, or convicted of an offence against any of *clauses 41 to 43* cannot be proceeded against for an infringement offence in respect of the same conduct.

Clause 57 prescribes the procedure for the disposal of property seized under the Bill (other than fish, aquatic life, seaweed, or natural material released or disposed of under *clause 40*).

Clauses 58 and 59 provide for the forfeiture of certain property on conviction, or, in relation to infringement offences, on the occurrence of a particular event (for example, the payment of the infringement fee). *Clause 61* provides that the Director-General must publicly notify any forfeiture under *section 58 or 59*, and *sections 61 to 64* set out the procedure for a person who claims an interest in that forfeited property to apply to the court for relief.

Subpart 3—Regulations, review, and consequential amendments

Clauses 65 to 67 provide for the making of regulations. *Clause 65* sets out general regulation-making powers. *Clause 66* provides for the making of regulations for biodiversity objectives and associated restrictions for high protection areas. Those regulations must be developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the high protection area. *Clause 67* provides for the making of regula-

tions for additional management actions in high protection areas. Regulations may be made under *clause 67* when regulations for biodiversity objectives and associated restrictions have been made under *clause 66* but there is evidence that the restrictions imposed by those regulations are not sufficient to achieve the biodiversity objectives for the high protection area.

Clause 68 provides for the ministerial review of the operation, effectiveness, and management of seafloor protection areas and high protection areas, and prescribes requirements relating to the review.

Clause 69 makes consequential amendments to the legislation specified in *Schedule 5*.

Hon Willow-Jean Prime

Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

2 Commencement

This Act comes into force on the day after Royal assent. 5

Part 1

Preliminary provisions

3 Purpose of this Act

The purpose of this Act is to contribute to the restoration of the health and mauri of the Hauraki Gulf / Tīkapa Moana by— 10

- (a) establishing new marine protected areas within the Hauraki Gulf / Tīkapa Moana; and
- (b) acknowledging customary rights within seafloor protection areas and high protection areas.

4 Tiriti o Waitangi/Treaty of Waitangi 15

This Act must be interpreted and administered so as to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi.

5 Interpretation

In this Act, unless the context otherwise requires,—

aircraft has the same meaning as in section 5 of the Civil Aviation Act 2023 20

aquaculture activity means any activity carried out for the purpose of breeding, hatching, cultivating, rearing, or ongrowing fish, aquatic life, or seaweed for harvest

aquatic life has the same meaning as in section 2(1) of the Fisheries Act 1996

biodiversity objectives means the biodiversity objectives established for a seafloor protection area or high protection area under the regulations 25

bottom longlining—

- (a) means the use of a line—
 - (i) to which a hook or hooks (whether baited or not) are attached; and
 - (ii) that is sunk using weights; but
- (b) does not include the use of a handline 5

customary fishing means fishing carried out in accordance with—

- (a) regulations made under section 186 of the Fisheries Act 1996; or
- (b) regulations made under section 297 of the Fisheries Act 1996 for the purpose of section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or 10
- (c) subpart 5 of Part 2 of the Fisheries (Amateur Fishing) Regulations 2013

customary marine title has the same meaning as in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

Danish seine net means a net or part of a net (including a warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that— 15

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and
- (c) is operated without the use of a horizontal net-opening device by surrounding fish and being drawn over the seabed, or through waters, to 1 or more vessels 20

Danish seining means use of a Danish seine net

Director-General means the Director-General of the Department of Conservation

dredge—

- (a) means a device towed on or over, or capable of being towed on or over, the seabed; and 25
- (b) includes a box dredge or ring device

dredging means use of a dredge

exploration has the same meaning as in section 2(1) of the Crown Minerals Act 1991 30

fish has the same meaning as in section 2(1) of the Fisheries Act 1996

fishing has the same meaning as in section 2(1) of the Fisheries Act 1996

Hauraki Gulf / Tikapa Moana—

- (a) means the coastal marine area on the east coast of—
 - (i) the Auckland Region, as constituted by the Local Government (Auckland Region) Reorganisation Order 1989, *Gazette* Vol III 1989, p 2247; and 35

- (ii) the Waikato Region, as constituted by the Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* Vol III 1989, p 2460; and
- (b) includes estuaries and the tidal parts of rivers and creeks on the east coast of the Auckland Region and the east coast of the Waikato Region 5
- high protection area** means an area declared to be a high protection area under **section 17**
- infringement fee**, in relation to an infringement offence, means the infringement fee for the offence specified in the regulations
- infringement offence** means an offence identified in this Act or the regulations as being an infringement offence 10
- London Convention** means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972)
- marine reserve** means an area declared to be a marine reserve under **section 10** 15
- mining** has the same meaning as in section 2(1) of the Crown Minerals Act 1991
- mining activity** means mining, exploration, or prospecting
- Minister** means the Minister of Conservation
- permit** means a permit granted under **section 30** authorising a person to undertake a prohibited activity within a seafloor protection area or high protection area 20
- permit holder**, in relation to a permit, means the person who has been granted a permit under **section 30** or to whom a permit has been transferred under **section 34** 25
- potting**—
- (a) means the use of any pot, whether baited or not, that is capable of catching fish or aquatic life; and
- (b) includes the use of any other device capable of catching, holding, or storing fish or aquatic life 30
- prospecting** has the same meaning as in section 2(1) of the Crown Minerals Act 1991
- protected customary right** has the same meaning as in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011
- ranger** means a ranger appointed or treated as if they were appointed under **section 35 or 36** 35
- regulations** means regulations made under any of **sections 65 to 67**
- sand extraction** means the taking or extraction of sand from the seabed or sub-soil

seafloor protection area means an area declared to be a seafloor protection area under **section 13**

seaweed has the same meaning as in section 2(1) of the Fisheries Act 1996

set net—

- (a) includes a gill net, ring net, or other sort of net that acts by enmeshing, entrapping, or entangling fish; but 5
- (b) does not include a fyke net or hīnaki

set netting means use of a set net

ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994 10

structure—

- (a) means any building, equipment, or device; and
- (b) includes an offshore installation, an artificial island, a floating platform, or a submarine pipeline

trawl net means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net, but not including a Danish seine net) that— 15

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and
- (c) is operated by being drawn over the seabed or through any waters by 1 or more vessels underway 20

trawling means use of a trawl net.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms. 25

7 Act binds the Crown

This Act binds the Crown.

8 Application of other enactments

- (1) Except as otherwise specified in this Act,—
 - (a) all persons performing functions or exercising powers under this Act must comply with any provisions of any other enactment that apply to that function or power; and 30
 - (b) the requirement to obtain a permit under this Act does not limit or otherwise affect the requirement to obtain a permit, consent, or other permission necessary under any other enactment. 35
- (2) Nothing in this Act (except **subpart 1 of Part 2**) limits or otherwise affects—

- (a) the ability of an applicant group to obtain recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011; or
- (b) the exercise of protected customary rights or rights held by a customary marine title group under that Act.

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9 Immunities of warships, etc, not affected

Nothing in this Act limits the immunities of the following:

- (a) any foreign warship:
- (b) any other foreign governmental ship operated for non-commercial purposes:
- (c) any foreign military aircraft:
- (d) members of the crew of a ship or an aircraft to which any of **paragraphs (a) to (c)** apply.

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Part 2 Protected areas

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Subpart 1—Marine reserves

10 Marine reserves declared

- (1) The areas described in **Schedule 2** are declared to be marine reserves.
- (2) The marine reserves have the names given to them in **Schedule 2**.

11 Effect of marine reserve declarations

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The marine reserves declared by **section 10**—

- (a) are to be treated as if they were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971; and
- (b) are subject to any enactment that applies to such marine reserves.

Subpart 2—Seafloor protection areas and high protection areas

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Seafloor protection areas

12 Purpose of seafloor protection areas

The purpose of seafloor protection areas is to maintain and restore benthic habitats within the seafloor protection areas.

13 Seafloor protection areas declared

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- (1) The areas described in **Schedule 3** are declared to be seafloor protection areas.
- (2) The seafloor protection areas have the names given to them in **Schedule 3**.

14 Activities prohibited in seafloor protection areas

- (1) A person must not undertake any of the activities described in **subsection (2)** in a seafloor protection area, unless—
- (a) **section 20 or 21** applies; or
 - (b) the activity is undertaken in accordance with a permit granted under **section 30**. 5
- (2) The prohibited activities are—
- (a) aquaculture activities:
 - (b) the dumping, depositing, or discharge of waste or other matter that is likely to have a more than minor adverse effect on aquatic life: 10
 - (c) dredging:
 - (d) trawling that makes contact with the seabed:
 - (e) Danish seining:
 - (f) sand extraction:
 - (g) mining activity. 15

15 Additional activities prohibited in Mokohīnau Islands Seafloor Protection Area

- (1) In addition to the prohibitions set out in **section 14**, the following activities are prohibited within the Mokohīnau Islands Seafloor Protection Area:
- (a) set netting: 20
 - (b) potting that occurs within the area marked with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area:
 - (c) bottom longlining that occurs within the area marked with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area. 25
- (2) *See* **Schedule 3** for the indicative map of the Mokohīnau Islands Seafloor Protection Area.

*High protection areas***16 Purpose of high protection areas**

The purpose of high protection areas is to protect, restore, and enhance biodiversity within the high protection areas. 30

17 High protection areas declared

- (1) The areas described in **Schedule 4** are declared to be high protection areas.
- (2) The high protection areas have the names given to them in **Schedule 4**.

18 Activities prohibited in high protection areas

- (1) A person must not undertake any of the activities described in **subsection (2)** in a high protection area, unless—
- (a) **section 19, 20, or 21** applies; or
 - (b) the activity is undertaken in accordance with a permit granted under **section 30**. 5
- (2) The prohibited activities are—
- (a) fishing:
 - (b) aquaculture activities:
 - (c) the removal of sand, shingle, shell, or other natural material: 10
 - (d) the dumping, depositing, or discharge of waste or other matter that is likely to have a more than minor adverse effect on aquatic life:
 - (e) the introduction of any living organism:
 - (f) the construction, alteration, extension, removal, or demolition of a structure (including a ship): 15
 - (g) the causing of vibrations (other than vibrations caused by the propulsion of a ship) in a manner that is likely to have a more than minor adverse effect on aquatic life:
 - (h) the disturbance (including by excavating, drilling, tunnelling, or dredging) of aquatic life, habitats, or water column in a manner that is likely to have a more than minor adverse effect on aquatic life: 20
 - (i) the destruction or damage of the seabed and subsoil in a manner that is likely to have an adverse effect on the seabed and subsoil:
 - (j) the landing of an aircraft:
 - (k) the causing of an explosion: 25
 - (l) mining activity.

*Activities to which prohibitions do not apply***19 Customary fishing in high protection areas**

- (1) Despite **section 18**, a person may undertake customary fishing within a high protection area if— 30
- (a) the person is authorised to undertake customary fishing under—
 - (i) regulations made under section 186 of the Fisheries Act 1996; or
 - (ii) regulations made under section 297 of the Fisheries Act 1996 for the purpose of section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or 35
 - (iii) subpart 5 of Part 2 of the Fisheries (Amateur Fishing) Regulations 2013; and

- (b) the person complies with any regulations made under **section 66 or 67** relating to the high protection area.
- (2) To avoid doubt, this section—
- (a) applies only to customary fishing within high protection areas; and
- (b) does not apply to the activities prohibited by **sections 14 and 15** in 5
seafloor protection areas.
- 20 Small-scale removal of natural material in seafloor protection areas and high protection areas**
- (1) If a person complies with **subsection (2)**, the person may do the following:
- (a) despite **section 14(2)(f)**, remove sand from a seafloor protection area: 10
- (b) despite **section 18(2)(c)**, remove sand, shingle, shell, or other natural material from a high protection area.
- (2) A person who removes sand, shingle, shell, or other natural material from a seafloor protection area or high protection area—
- (a) may remove only a small quantity of the material; and 15
- (b) may do so only for non-commercial purposes; and
- (c) must not use a method of collection that involves the use of machinery or cutting equipment.
- (3) For the purposes of this section, a **small quantity** is no more than a person can carry on their person, in a single trip, in 1 day. 20
- 21 Other activities to which prohibitions do not apply**
- The prohibitions in **sections 14, 15, and 18** do not apply to—
- (a) any activity for which resource consent has been granted under the Resource Management Act 1991 at the time this Act commences, until the expiration of that consent: 25
- (b) any action taken under the Biosecurity Act 1993:
- (c) any activity carried out under the Resource Management (Marine Pollution) Regulations 1998:
- (d) the discharge of stormwater, if that discharge is a permitted activity for the purposes of the Resource Management Act 1991: 30
- (e) any work or activity of the Crown that the Minister of Defence certifies is necessary for reasons of national security:
- (f) training activities undertaken by the New Zealand Defence Force:
- (g) any activity permitted under any Act administered by the Department of Conservation: 35
- (h) any action necessary in an emergency relating to human safety or the protection of the environment:

- (i) any other action taken in response to marine oil spills or other pollution:
- (j) transit shipping that complies with the London Convention.

Subpart 3—Official geographic names

22 Interpretation

In this subpart,—

5

Board has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

official geographic name has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

23 Official geographic names

10

The names given to each of the following are official geographic names for the purpose of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

- (a) marine reserves declared by **section 10** and listed in **Schedule 2**:
- (b) seafloor protection areas declared by **section 13** and listed in **Schedule 3**: 15
- (c) high protection areas declared by **section 17** and listed in **Schedule 4**.

24 Publication of official geographic names

- (1) The Board must, as soon as practicable after commencement of this Act, give public notice, in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, of each official geographic name specified under **section 23**. 20
- (2) The notice must state that each official geographic name became an official geographic name on the date on which this Act commenced.

25 Subsequent alteration of official geographic names

25

- (1) In making a determination to alter the official geographic name established by this Act, the Board—
 - (a) must consult the Director-General; and
 - (b) if the name is a Māori name,—
 - (i) must consult whānau, hapū, and iwi that exercise kaitiakitanga in the relevant area; and 30
 - (ii) must ensure that the names use standardised orthography; but
 - (c) need not comply with sections 27 to 31A of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Part 3

Permits, enforcement, and regulations for protected areas 5

26 Interpretation of this Part

- (1) In this Part, unless the context otherwise requires,—
effect includes—
- (a) any positive or adverse effect; and
 - (b) any temporary or permanent effect; and 10
 - (c) any past, present, or future effect; and
 - (d) any cumulative effect that arises over time or in combination with other effects
- protected area** means a seafloor protection area or a high protection area
- (2) The definition of **effect**— 15
- (a) applies regardless of the scale, intensity, duration, or frequency of the effect; and
 - (b) also includes—
 - (i) any potential effect of high probability; and
 - (ii) any potential effect of low probability that has a high potential 20 impact.

Subpart 1—Permits

27 Application for permits

- (1) A person may apply to the Director-General for a permit authorising the person to undertake a prohibited activity within a protected area. 25
- (2) An application for a permit must be made in a form approved by the Director-General and include—
- (a) the applicant's name and contact details; and
 - (b) a description of the proposed activity; and
 - (c) the anticipated effects of the proposed activity. 30
- (3) The Director-General may reject an application for a permit on the basis that inadequate information has been provided.

28 Director-General may seek further information

- (1) When considering an application for a permit made under **section 27**, the Director-General may do all or any of the following:
- (a) request further information from the applicant:
 - (b) consult any person or group that the Director-General considers appropriate: 5
 - (c) commission any report that the Director-General considers appropriate:
 - (d) require the applicant to provide any report that the Director-General considers appropriate.
- (2) The applicant must pay the costs associated with the Director-General's inquiries under this section in the manner provided in the regulations. 10

29 Matters to be considered by Director-General

Before making a decision on an application for a permit, the Director-General must consider—

- (a) the anticipated effects of the activity on the protected area and its biodiversity objectives; and 15
- (b) the anticipated effects of the activity on the rights and interests of whānau, hapū, and iwi that exercise kaitiakitanga in the protected area; and
- (c) if the anticipated effects of the activity are negative, reasons why the activity— 20
 - (i) is necessary; and
 - (ii) can only occur within the protected area; and
- (d) any measures that can be undertaken to avoid, remedy, or mitigate any adverse effects of the activity. 25

30 Decision of Director-General

- (1) After considering an application for a permit and any further information, the Director-General may—
- (a) grant the permit, if satisfied that— 30
 - (i) the activity is consistent with the purpose of the protected area and any biodiversity objectives for the protected area; and
 - (ii) the permit holder will take reasonable steps to avoid, remedy, or mitigate any adverse effects of the activity on the rights and interests of whānau, hapū, and iwi that exercise kaitiakitanga in the protected area; or 35
 - (b) grant the permit, if satisfied that—
 - (i) the activity is necessary; and

- (ii) the activity can only occur within the protected area; and
 - (iii) the permit holder will take reasonable steps to avoid, remedy, or mitigate any adverse impacts of the activity on the rights and interests of whānau, hapū, and iwi that exercise kaitiakitanga in the protected area; or 5
- (c) decline the application, in the Director-General's discretion.
- (2) When granting a permit under **subsection (1)(a) or (b)**, the Director-General—
 - (a) may impose any conditions on the permit that the Director-General considers appropriate (including any condition that gives effect to the permit holder's obligations under **subsection (1)(a)(ii) or (b)(iii)**); and 10
 - (b) must provide for the expiry date of the permit.
- (3) The Director-General must—
 - (a) notify the following persons of the decision and the reasons for it:
 - (i) the applicant: 15
 - (ii) whānau, hapū, and iwi that exercise kaitiakitanga in the protected area and that have engaged with the application; and
 - (b) publicly notify the decision on an Internet site maintained by or on behalf of the Department of Conservation.
- 31 Amendment to permit conditions** 20
- (1) The Director-General may amend the conditions of a permit—
 - (a) in accordance with any condition in the permit; or
 - (b) to correct a minor or technical error; or
 - (c) with the permit holder's agreement; or
 - (d) on 1 or more of the grounds specified in **section 32**; or 25
 - (e) in accordance with an application by the permit holder under **subsection (2)**.
- (2) The permit holder may apply to the Director-General for any conditions of the permit to be amended.
- (3) An application must be accompanied by any information required by the Director-General to assess the application. 30
- (4) After making any amendment to the conditions of a permit, the Director-General must—
 - (a) notify the permit holder within a reasonable time; and
 - (b) allow the permit holder a reasonable opportunity to comply with any amended conditions. 35

32 Revocation of permit or amendment to permit conditions due to adverse effects and other grounds

The Director-General may, at any time, revoke a permit granted under **section 30**, or amend any condition of the permit, if the Director-General considers that the activity—

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- (a) is causing adverse effects to the protected area that are greater than those anticipated at the time the permit was granted; or
- (b) is inconsistent with the biodiversity objectives for the protected area in a manner that was not anticipated at the time the permit was granted; or
- (c) is inconsistent with the rights and interests of whānau, hapū, and iwi that exercise kaitiakitanga in the protected area in a manner that was not anticipated at the time the permit was granted.

10

33 Appeal to High Court on question of law

- (1) The following persons may appeal to the High Court against the decisions of the Director-General specified in **subsection (2)**:

15

- (a) the applicant;
- (b) the permit holder;
- (c) whānau, hapū, and iwi that exercise kaitiakitanga in the protected area.

- (2) The decisions that may be appealed against are—

- (a) the decision to grant or decline an application for a permit:
- (b) the decision to impose any conditions on the granting of a permit:
- (c) the decision to make any amendment to the conditions of a permit:
- (d) the decision to grant or decline an application to amend permit conditions:
- (e) the decision to revoke a permit.

20

25

- (3) An appeal brought under this section may be only on a question of law.

34 Permit may be transferred

A permit may be transferred to another person if—

- (a) the permit holder applies to the Director-General for the permit to be transferred; and
- (b) the Director-General agrees to the transfer.

30

Subpart 2—Monitoring and enforcement

*Appointment and powers of rangers***35 Rangers appointed under other enactments**

The following persons are to be treated as if they were appointed by the Director-General to exercise the powers and duties of a ranger under this Act: 5

- (a) a person appointed as a warranted officer under section 59(1) or (9) of the Conservation Act 1987:
- (b) a person appointed as a fishery officer under section 196 or 197 of the Fisheries Act 1996:
- (c) every officer in command of any vessel or aircraft of the New Zealand Defence Force: 10
- (d) every constable.

36 Appointment of honorary rangers

- (1) The Director-General may appoint any suitable person to be a ranger in an honorary capacity to exercise the duties of a ranger under this Act. 15
- (2) The Director-General must supply each ranger with a warrant that—
 - (a) states the full name of the person; and
 - (b) includes a summary of the powers conferred on the person under this Act.
- (3) A ranger exercising a power under this Act must have their warrant with them and must produce it if required to do so. 20
- (4) A ranger—
 - (a) is appointed for a term specified by the Director-General (not exceeding 3 years), and may be reappointed; and
 - (b) may be removed from office at any time by the Director-General for incapacity, neglect of duty, or misconduct. 25
- (5) A ranger must surrender their warrant to the Director-General on the termination of their appointment.
- (6) A person appointed as a ranger under this section is not, by virtue of the appointment, deemed to be employed for the purposes of the Public Service Act 2020. 30

37 General powers of rangers

- (1) A ranger who believes on reasonable grounds that a person is committing, has committed, or is about to commit, an offence against this Act may—
 - (a) order the person to refrain from or stop offending; and 35

- (b) require the person to provide their full name, date of birth, address, and email address and evidence of those particulars.
- (2) For the purposes of exercising their powers under this Act, a ranger may, without warrant, pursue and stop a person if the ranger believes on reasonable grounds that the person is committing or has committed an offence against this Act. 5
- 38 Power to question persons and require production of documents**
- (1) A ranger may exercise the powers in this section for the purposes of monitoring compliance with any requirements imposed under this Act, including any permit conditions. 10
- (2) A ranger may require any person—
 - (a) to stop, or to stop any vessel, vehicle, or other conveyance in their control; and
 - (b) to answer any question reasonably necessary to enable the ranger to establish whether the person is complying with this Act, any regulations made under this Act, or any conditions of a permit; and 15
 - (c) to produce any permit, consent, authority, licence, or document issued under this Act or any other Act, and related to the person or vessel.
- (3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sub-part 3) apply to the exercise of powers under this section. 20
- (4) Section 60 of the Evidence Act 2006 applies in relation to a requirement under **subsection (2)(b) and (c)**.
- 39 Powers of entry, search, and seizure**
- (1) A ranger may exercise the powers in this section if the ranger believes, on reasonable grounds, that a person is committing, or has committed, an offence under this Act. 25
- (2) The ranger may, in the presence of the person,—
 - (a) stop, enter, and search any vehicle, vessel, aircraft, or structure in the control of the person; and
 - (b) open and search any parcel, package, container, or luggage in the control of the person. 30
- (3) The ranger may seize any item, document, or thing (including a vessel or vehicle) that the ranger believes, on reasonable grounds,—
 - (a) is being or has been used in the commission of an offence under this Act; or 35
 - (b) is evidence of the commission of an offence under this Act.
- (4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sub-part 3) apply to the exercise of powers under this section.

- 40 Powers to seize and release or dispose of fish, aquatic life, seaweed, or natural material**
- (1) This section applies if a ranger exercising their powers under this Act finds or sights any fish, aquatic life, seaweed, or natural material that the ranger believes on reasonable grounds was removed from a protected area in contravention of this Act. 5
- (2) The ranger may seize—
- (a) the fish, aquatic life, seaweed, or natural material; and
 - (b) any fish, aquatic life, seaweed, or natural material with which the fish, aquatic life, seaweed, or natural material has been intermixed. 10
- (3) Any fish, aquatic life, or seaweed seized by a ranger that is alive and likely to survive must be returned—
- (a) to the protected area; or
 - (b) to any part of the sea, if it is not practicable to return the fish, aquatic life, or seaweed to the protected area. 15
- (4) Any fish, aquatic life, or seaweed seized by a ranger that is dead or unlikely to survive, and any natural material, may be—
- (a) disposed of in the manner and for the price determined by the Director-General in the specific instance; or
 - (b) retained for the purpose of evidence in any prosecution under this Act or any other Act; or 20
 - (c) retained or disposed of in accordance with the regulations.
- (5) A ranger exercising the powers in this section has no civil or criminal liability to any person claiming ownership or possession of the fish, aquatic life, seaweed, or natural material seized, regardless of whether that person is charged with or acquitted of an offence against this Act or any other Act. 25

Offences

- 41 Offence to undertake prohibited activity within protected area**
- (1) A person commits an offence if the person undertakes a prohibited activity within a seafloor protection area contrary to **section 14 or 15**. 30
- (2) A person commits an offence if the person undertakes a prohibited activity within a high protection area contrary to **section 18**.
- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction to a fine not exceeding \$100,000.
- (4) A person who commits an offence referred to in **subsection (1) or (2)** for a commercial purpose is liable on conviction to a fine not exceeding \$200,000. 35
- (5) For the purposes of this section, a court may find that a person has a **commercial purpose** if the court is satisfied beyond reasonable doubt that—

- (a) the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised); or
- (b) in the case of a prohibited activity that involves fishing, the person is in possession of a number of fish that exceeds by at least 3 times the amateur individual daily limit.

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42 Offence to undertake prohibited activity within protected area knowing activity is prohibited

- (1) A person commits an offence if the person—
 - (a) undertakes a prohibited activity within a seafloor protection area contrary to **section 14 or 15**; and 10
 - (b) knows that the activity is prohibited.
- (2) A person commits an offence if the person—
 - (a) undertakes a prohibited activity within a high protection area contrary to **section 18**; and
 - (b) knows that the activity is prohibited. 15
- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction to a term of imprisonment not exceeding 3 months, or to a fine not exceeding \$250,000, or both.

43 Other offences

- (1) A person commits an offence if the person is in possession of, or disposes of, any fish, aquatic life, seaweed, or natural material that the person knows was removed from a protected area in contravention of **section 14, 15, or 18**. 20
- (2) A person commits an offence if the person, knowingly and without reasonable excuse,—
 - (a) fails to comply with an order or a requirement of a ranger issued under **section 37, 38, or 39**; or 25
 - (b) refuses to provide a ranger with information requested under **section 38**; or
 - (c) pretends to be a ranger, by their words, conduct, or demeanour, in circumstances likely to lead another person to believe that the person is a ranger; or 30
 - (d) obstructs or threatens a ranger acting in the course of duty.
- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction to a term of imprisonment not exceeding 3 months, or to a fine not exceeding \$100,000, or both. 35

44 Prosecution and defence for strict liability offences

- (1) In a prosecution for an offence against **section 41**, it is not necessary to prove that the defendant intended to commit the offence.

- (2) The defendant has a defence if the defendant proves—
- (a) that the defendant did not intend to commit the offence; and
 - (b) that,—
 - (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
 - (ii) in any case where it is alleged that anything prohibited was done, the defendant took all reasonable steps to ensure that it was not done.

45 Liability of director or manager of body corporate 10

- (1) This section applies when a body corporate is convicted of an offence against this Act.
- (2) A director or manager of the body corporate is also guilty of the offence if it is proved that the director or manager—
- (a) authorised, permitted, consented to, or participated in the act or omission that constituted the offence; or
 - (b) knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

46 Time for filing charging document 20

Despite section 25 of the Criminal Procedure Act 2011, no charging document may be filed in respect of an offence under this Act after the date that is 12 months after the date on which the offence was committed.

Infringement offences

47 Infringement offences 25

- (1) A person must not—
- (a) undertake a prohibited activity within a seafloor protection area contrary to **section 14 or 15**; or
 - (b) undertake a prohibited activity within a high protection area contrary to **section 18**; or
 - (c) use, dispose of, or be in possession of, any fish, aquatic life, seaweed, or natural material that has been removed from a protected area in contravention of **section 14, 15, or 18**.
- (2) A person who contravenes **subsection (1)** commits an infringement offence and is liable to—
- (a) an infringement fee of the amount prescribed in the regulations; or

- (b) a fine imposed by a court not exceeding the amount prescribed in the regulations.

48 Relationship between infringement offences and other offences

- (1) A person who is charged with, prosecuted for, or convicted of an offence against any of **sections 41 to 43** must not also be proceeded against for an infringement offence under **section 47** in respect of the same conduct. 5
- (2) A person who is proceeded against under **section 47** for an infringement offence must not also be charged with or prosecuted for an offence against any of **sections 41 to 43** in respect of the same conduct.

49 Proceedings for infringement offences 10

- (1) A person who is alleged to have committed an infringement offence may—
 - (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
 - (b) be issued with an infringement notice under **section 51**.
- (2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957. 15
- (3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

50 Who may issue infringement notices 20

The Director-General may, in writing, authorise a ranger to issue infringement notices under this Act.

51 When infringement notice may be issued

A ranger authorised under **section 50** may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence. 25

52 Revocation of infringement notice before payment made

- (1) The ranger may revoke an infringement notice before—
 - (a) the infringement fee is paid; or
 - (b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957. 30
- (2) The ranger must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.
- (3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 49(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter. 35

53 What infringement notice must contain

An infringement notice must be in the form prescribed in the regulations and must contain the following particulars:

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence: 5
- (b) the amount of the infringement fee:
- (c) the address of the place where the infringement fee may be paid:
- (d) how the infringement fee may be paid:
- (e) the time within which the infringement fee must be paid:
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957: 10
- (g) a statement that the person served with the notice has a right to request a hearing:
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing: 15
- (i) any other matters prescribed in the regulations.

54 How infringement notice may be served

- (1) An infringement notice (or a copy of it) may be served on the person who the ranger believes is committing or has committed the infringement offence by—
 - (a) delivering it to the person; or 20
 - (b) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business.
- (2) An infringement notice (or a copy of it) sent by post to a person under **subsection (1)(b)** is to be treated as having been served on the person when it was posted. 25

55 Payment of infringement fees

All infringement fees paid for infringement offences must be paid into a Crown Bank Account.

56 Reminder notices

A reminder notice must be in the form prescribed in the regulations and must include the same particulars, or substantially the same particulars, as the infringement notice. 30

*Disposal of seized property***57 Disposal of seized property**

- (1) Before disposing of any property seized under this Act (other than fish, aquatic life, seaweed, or natural material released or disposed of under **section 40**), 35

- the Director-General must give the owner of the property, if known, notice of the Crown's intention to dispose of the property.
- (2) If the owner has not lodged an appeal against the disposal within 90 days after the date on which the notice is given, the Director-General may dispose of the property. 5
- (3) However, if the property is perishable,—
- (a) the Director-General may dispose of the property at any time after giving notice; but
 - (b) the Director-General must hold the proceeds (if any) of the disposal until the later of— 10
 - (i) 90 days after the date on which the notice is given; and
 - (ii) the date on which an appeal against the disposal, lodged within 90 days after the date on which the notice is given, is resolved.

Forfeiture

58 Forfeiture of property on conviction 15

- (1) If a person is convicted of an offence against this Act, the following may be forfeited to the Crown by order of the court:
- (a) any property used in the commission of the offence, including any vessel, vehicle, or other conveyance:
 - (b) any fish, aquatic life, seaweed, or natural material retained under **section 40(4)** to which the offence related: 20
 - (c) any proceeds from the sale of any fish, aquatic life, seaweed, or natural material retained or disposed of by the Director-General under **section 40(4)** to which the offence related.
- (2) A person must not be discharged without conviction for an offence against this Act unless the court considers that, in the circumstances of the offending, it would be unjust to make an order of forfeiture under **subsection (1)**. 25
- (3) Items that are forfeited to the Crown under **subsection (1)**—
- (a) are forfeited to the Crown absolutely and without encumbrance; and
 - (b) may be disposed of as the Director-General thinks fit. 30

59 Forfeiture for infringement offence

- (1) If an infringement notice is issued to a person for an infringement offence, any fish, aquatic life, seaweed, or natural material in respect of which the infringement offence is committed, and any proceeds from the sale of any fish, aquatic life, seaweed or natural material under **section 40**, is forfeited to the Crown 35 when the earliest of the following occurs:
- (a) the infringement fee for the offence is paid:

- (b) a copy of a reminder notice for the infringement offence is filed, or a reminder notice is deemed to have been filed, in a court under section 21 of the Summary Proceedings Act 1957 before the close of the date that is 6 months after the date on which the offence is alleged to have been committed: 5
 - (c) the Director-General and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments:
 - (d) the person is found guilty of, or pleads guilty of, the infringement offence. 10
 - (2) A court may order that any property used in respect of the commission of an infringement offence (including, without limitation, a vessel or vehicle) be forfeited to the Crown if—
 - (a) proceedings for an infringement offence are commenced by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; and 15
 - (b) a person is found guilty of, or pleads guilty of, the infringement offence.
 - (3) Items that are forfeited to the Crown under this section—
 - (a) are forfeited to the Crown absolutely and without encumbrance; and
 - (b) may be disposed of as the Director-General thinks fit. 20
- 60 Interpretation of provisions relating to forfeited property**
- In **sections 61 to 64**, unless the context otherwise requires,—
- forfeited property** means anything forfeited to the Crown under **section 58 or 59**
- interest** means a legal or an equitable interest in that forfeited property that existed at the time of the forfeiture, but does not include an interest (including ownership) in a foreign vessel or foreign-owned New Zealand fishing vessel or foreign-operated fish carrier. 25
- 61 Application for relief**
- (1) Within 10 working days after the date of any forfeiture under **section 58 or 59**, the Director-General must publicly notify— 30
 - (a) the details of the forfeited property; and
 - (b) the rights of persons to apply under this section.
 - (2) A person claiming an interest in any forfeited property may, within 35 working days after the date of the forfeiture, apply to the District Court for relief from the effect of forfeiture on that interest. 35
 - (3) An application under **subsection (2)** must include—

- (a) a description of the forfeited property in which the interest is claimed; and
 - (b) details of the interest claimed, including whether it is—
 - (i) legal or equitable; or
 - (ii) by way of security, including details of the security arrangement; 5
 - or
 - (iii) noted on any register; and
 - (c) an estimate of the value of the forfeited property and the claimed interest in it.
- 62 Matters to be considered and determined by court** 10
- (1) The court must hear all applications in respect of the same property together, unless it considers that it would not be in the interests of justice to do so.
 - (2) Before making a decision in respect of an application made under **section 61**, the court must—
 - (a) determine the matters set out in **subsection (3)**; and 15
 - (b) have regard to the matters set out in **subsection (4)**.
 - (3) The court must determine—
 - (a) the value of the forfeited property, which is the amount that the property would realise if sold at public auction in New Zealand; and
 - (b) the nature, extent, and if possible the value of the applicant's interest in 20 the property; and
 - (c) the cost to the Department of Conservation of—
 - (i) the prosecution of the offence or the pursuance of the infringement offence which resulted in the forfeiture; and
 - (ii) the seizure and holding, and anticipated cost of disposal, of the 25 forfeited property; and
 - (iii) any court proceedings in respect of the seizure, holding, and disposal.
 - (4) The court must have regard to—
 - (a) the purpose of this Act; and 30
 - (b) the effect of the offence from which the forfeiture arose on—
 - (i) the seafloor protection area or high protection area; and
 - (ii) the people who use the seafloor protection area or high protection area; and
 - (c) the type of offending from which the forfeiture arose, including— 35
 - (i) the prevalence of the offending; and

- (ii) the effect of the type of offending on the seafloor protection area or high protection area; and
- (iii) the effect of the type of offending on the people who use the seafloor protection area or high protection area; and
- (d) any history of offending of the persons from whose convictions (if any) the forfeiture arose; and 5
- (e) the social and economic effects on the owner of the forfeited property, and their employees, of non-release of the forfeited property; and
- (f) any economic benefits, actual or potential, to the owner of the forfeited property through the commission of the offence; and 10
- (g) the costs determined under **subsection (3)(c)**; and
- (h) any other matters the court considers relevant.

63 Decision of court on application

- (1) The court may make an order or orders providing relief (in whole or in part) from the effect of forfeiture on any of the interests determined under **section 62(3)**. 15
- (2) However,—
 - (a) the court may make an order under **subsection (1)** only if it is necessary to avoid manifest injustice; and
 - (b) if the owner of the forfeited property is the person who committed the offence in respect of which the property was forfeited, any order made under **subsection (1)** must not, together with any other order made under **subsection (1)** with respect to the same property, allow less than 40% of the forfeited property's value to remain forfeited to the Crown. 20
- (3) **Subsection (2)(b)** does not prevent the return of up to 100% of the value of any forfeited property to any owner of property other than the person who committed the offence in respect of which the property was forfeited. 25
- (4) An order made under **subsection (1)** may, without limiting that subsection, order 1 or more of the following:
 - (a) the retention of the forfeited property by the Crown: 30
 - (b) the return of some or all of the forfeited property to the owner at the time of forfeiture, with or without the prior payment to the Crown of a sum of money:
 - (c) the sale of some or all of the forfeited property, with directions as to the manner of sale and dispersal of proceeds: 35
 - (d) the delivery of some or all of the forfeited property to a person with an interest in the property, with or without directions as to payment of a sum of money to specified persons (including the Crown) before that delivery:

- (e) the reinstatement (despite the forfeiture) of any interest that was forfeited or cancelled as a result of a forfeiture.

64 Other matters relating to forfeiture

- (1) **Sections 61 to 63** do not require the Crown to pay, or secure the payment of, any sum of money to any person claiming an interest in forfeited property, other than the net proceeds of sale of forfeited property under a court order made under **section 63**. 5
- (2) For the purpose of assisting the court in determining any application for relief, the Director-General and any employee or agent of the Department of Conservation are entitled to appear before the court and be heard. 10
- (3) Any forfeiture under **section 58 or 59**, or any payment of a sum of money or delivery of property under **section 63(1)** to persons claiming an interest, must be in addition to, and not in substitution for, any other penalty that may be imposed by the court or by this Act.

Subpart 3—Regulations, review, and consequential amendments 15

Regulations

65 General regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) providing for anything this Act says may or must be provided for by regulations: 20
 - (b) providing for the marking of boundaries of seafloor protection areas and high protection areas:
 - (c) providing for the management of seafloor protection areas and high protection areas: 25
 - (d) providing for the setting of biodiversity objectives for seafloor protection areas:
 - (e) prescribing penalties for infringement offences under this Act, which,—
 - (i) in the case of infringement fees, must not be more than \$1,000; and 30
 - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:
 - (f) prescribing offences for a breach of the regulations and maximum fines for those offences not exceeding \$2,500:
 - (g) prescribing infringement offences for a breach of the regulations and prescribing for those offences— 35
 - (i) infringement fees, which must not be more than \$1,000; and

- (ii) maximum fines, which must not be more than twice the amount of the infringement fee for the offence:
 - (h) providing for anything that is incidental to this Act or necessary for giving it full effect.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 5
- 66 Regulations for biodiversity objectives and associated restrictions for high protection areas**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that provide for— 10
 - (a) the setting of biodiversity objectives for high protection areas; and
 - (b) the regulation of activities occurring within high protection areas (including the regulation of customary fishing) as necessary to give effect to the biodiversity objectives.
- (2) The Minister must not make a recommendation under **subsection (1)** unless the Minister— 15
 - (a) has consulted the Minister responsible for the administration of the Fisheries Act 1996; and
 - (b) is satisfied that the proposals for regulations—
 - (i) were developed collaboratively with whānau, hapū, and iwi that exercise kaitiakitanga in the high protection area; and 20
 - (ii) are based on the best available information, including mātauranga Māori; and
 - (iii) if the proposals relate to the regulation of customary fishing, impose any restrictions on customary fishing only to the minimum extent necessary to give effect to the biodiversity objectives. 25
- (3) Regulations made under this section may provide for all or any of the following:
 - (a) restrictions relating to when activities may occur:
 - (b) restrictions relating to how activities may occur: 30
 - (c) reporting requirements relating to activities:
 - (d) any other restrictions or requirements that the Minister considers necessary to give effect to the biodiversity objectives.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 35
- 67 Regulations for additional management actions in high protection areas**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that provide for additional management

- actions in relation to activities that occur within high protection areas (including customary fishing).
- (2) Before making a recommendation under **subsection (1)**, the Minister must be satisfied that—
- (a) biodiversity objectives and associated restrictions have been established by regulations made under **section 66** in relation to the high protection area; and 5
 - (b) there is evidence that the restrictions are not sufficient to achieve the biodiversity objectives; and
 - (c) the additional management actions are necessary to achieve the biodiversity objectives. 10
- (3) The Minister must not make a recommendation under **subsection (1)** unless the Minister is satisfied that the following persons have been consulted on the additional management actions:
- (a) the Minister responsible for the administration of the Fisheries Act 1996: 15
 - (b) the whānau, hapū, and iwi that exercise kaitiakitanga in the high protection area.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Review 20

68 Ministerial review

- (1) The Minister and the Minister responsible for the administration of the Fisheries Act 1996 must review the operation, effectiveness, and management of each of the following that are in place at the time of the review:
- (a) the seafloor protection areas declared under **section 13**: 25
 - (b) the high protection areas declared under **section 17**.
- (2) A review must be initiated—
- (a) before the expiry of 25 years after the commencement of this Act; and
 - (b) every 25 years after that; and
 - (c) at any other time that the Ministers consider appropriate. 30
- (3) The Ministers must ensure that, as part of the review, there is reasonable opportunity for interested persons (including whānau, hapū, and iwi that exercise kaitiakitanga in any protected area subject to the review) to make submissions on the operation, effectiveness, and management of the seafloor protection areas and high protection areas specified in **subsection (1)**. 35
- (4) The Ministers must—
- (a) prepare a report on the review; and

- (b) present the report to the House of Representatives.

Consequential amendments

69 Consequential amendments

Amend the legislation specified in **Schedule 5** as set out in that schedule.

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted

5

There are no transitional, savings, or related provisions in this Act as enacted.

Schedule 2

Marine reserves

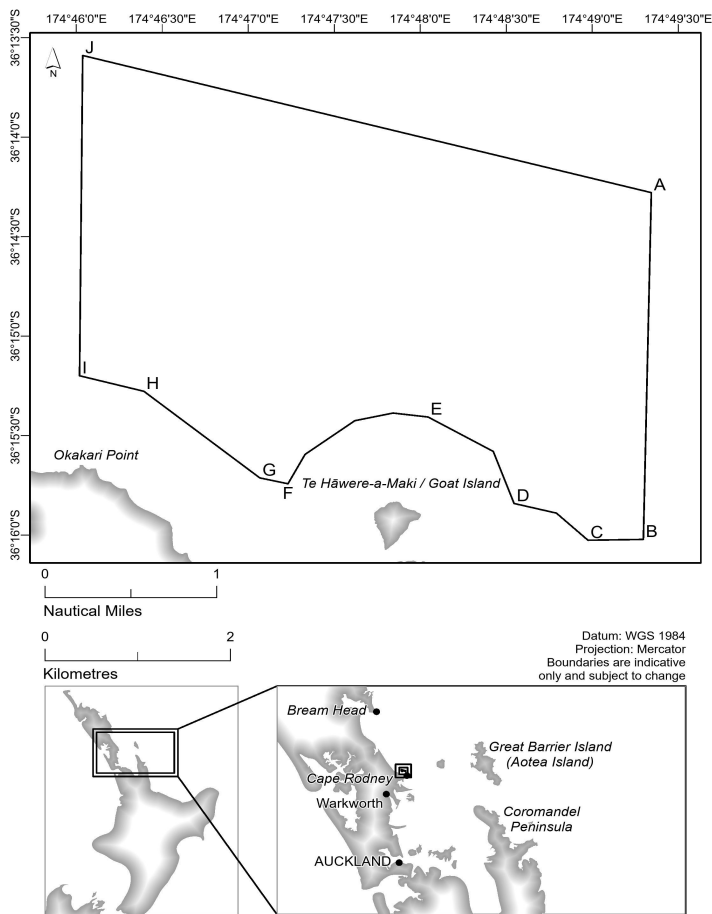
s 10

Cape Rodney-Okakari Point Extension Marine Reserve

Name of marine reserve	5
Cape Rodney-Okakari Point Extension Marine Reserve	
Description of marine reserve	
The area marked on the indicative map, where—	
(a) A is the point at 36°14.278'S and 174°49.344'E; and	
(b) B is the point at 36°16.021'S and 174°49.297'E; and	10
(c) C is the point at 36°16.025'S and 174°48.975'E; and	
(d) D is the point at 36°15.841'S and 174°48.546'E; and	
(e) E is the point at 36°15.406'S and 174°48.046'E; and	
(f) F is the point at 36°15.742'S and 174°47.231'E; and	
(g) G is the point at 36°15.712'S and 174°47.068'E; and	15
(h) H is the point at 36°15.277'S and 174°46.393'E; and	
(i) I is the point at 36°15.199'S and 174°46.019'E; and	
(j) J is the point at 36°13.589'S and 174°46.038'E.	

Indicative map

For reference, Cape Rodney-Okakari Point Extension Marine Reserve is indicated on the map, but the description overrides the map if they conflict.



Whanganui A Hei (Cathedral Cove) Extension Marine Reserve

Name of marine reserve 5

Whanganui A Hei (Cathedral Cove) Extension Marine Reserve

Description of marine reserve

The area marked on the indicative map, where—

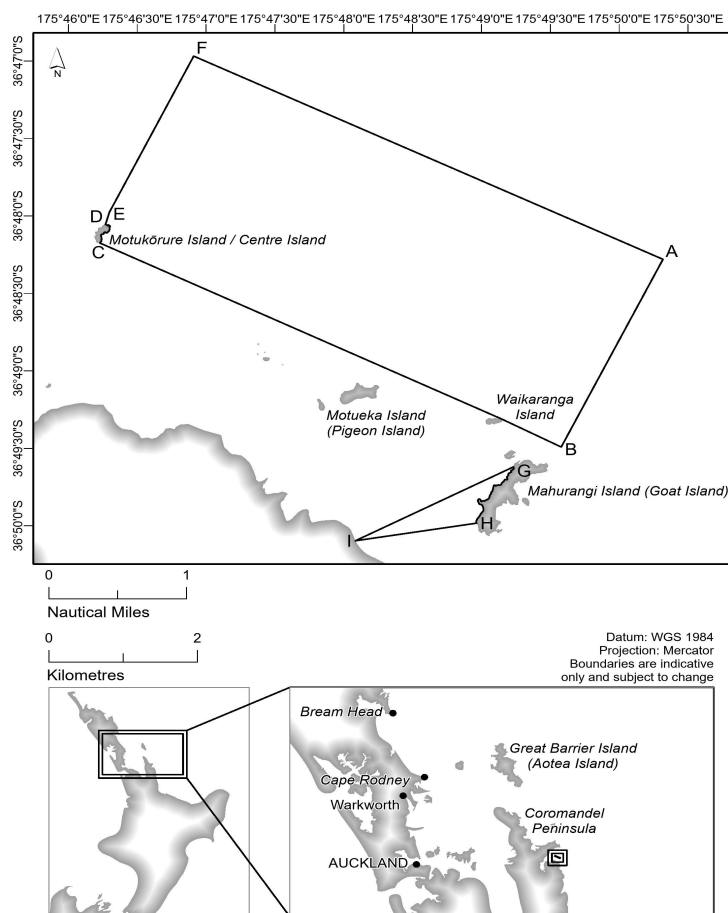
- (a) A is the point at 36°48.280'S and 175°50.318'E; and
- (b) B is the point at 36°49.491'S and 175°49.579'E; and 10
- (c) C is the point at 36°48.174'S and 175°46.229'E; and
- (d) D is the point at 36°48.055'S and 175°46.269'E; and

- (e) E is the point at 36°47.976'S and 175°46.298'E; and
- (f) F is the point at 36°46.968'S and 175°46.910'E; and
- (g) G is the point at 36°49.620'S and 175°49.231'E; and
- (h) H is the point at 36°49.982'S and 175°48.964'E; and
- (i) I is the point at 36°50.096'S and 175°48.084'E.

5

Indicative map

For reference, Whanganui A Hei (Cathedral Cove) Extension Marine Reserve is indicated on the map, but the description overrides the map if they conflict.



Schedule 3

Seafloor protection areas

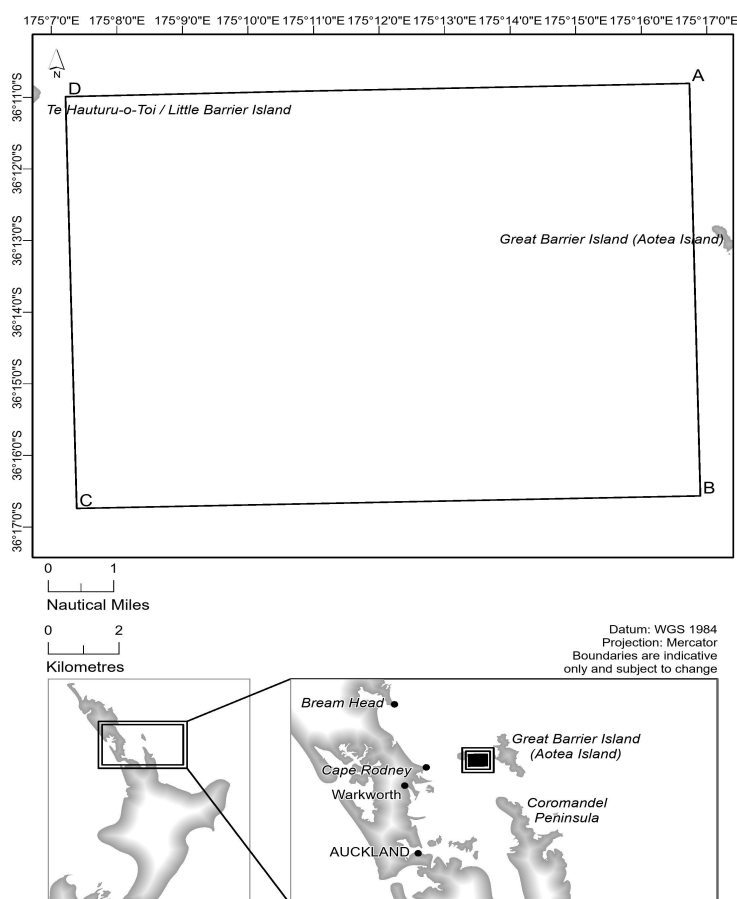
s 13

Craddock Channel Seafloor Protection Area

Name of seafloor protection area	5
Craddock Channel Seafloor Protection Area	
Description of seafloor protection area	
The area marked on the indicative map, where—	
(a) A is the point at 36°10.804'S and 175°16.735'E; and	
(b) B is the point at 36°16.564'S and 175°16.902'E; and	10
(c) C is the point at 36°16.739'S and 175°07.388'E; and	
(d) D is the point at 36°10.990'S and 175°07.217'E.	

Indicative map

For reference, Craddock Channel Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.

*Cape Colville Seafloor Protection Area***Name of seafloor protection area**

5

Cape Colville Seafloor Protection Area

Description of seafloor protection area

The area marked on the indicative map, where—

- (a) A is the point at 36°24.536'S and 175°24.176'E; and
- (b) B is the point at 36°28.260'S and 175°24.301'E; and
- (c) C is the point at 36°29.056'S and 175°20.377'E; and
- (d) D is the point at 36°25.369'S and 175°20.374'E; and

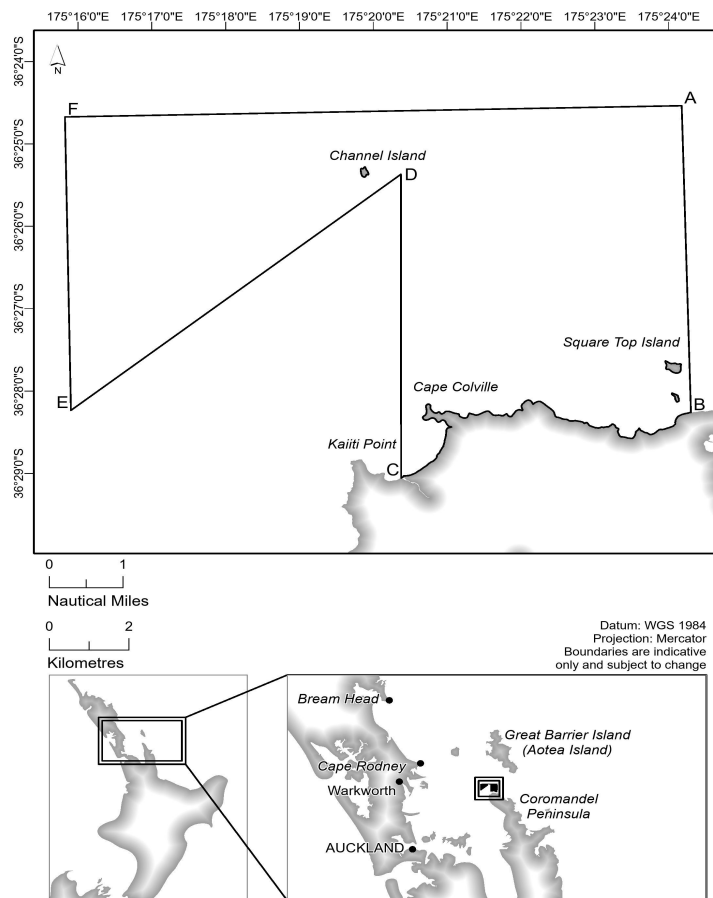
10

- (e) E is the point at 36°28.234'S and 175°15.906'E; and
 (f) F is the point at 36°24.672'S and 175°15.825'E.

Indicative map

For reference, the Cape Colville Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.

5



Mokohinau Islands Seafloor Protection Area

Name of seafloor protection area

Mokohinau Islands Seafloor Protection Area

Description of seafloor protection area

The area marked on the indicative map, where—

10

- (a) A is the point at 35°45.488'S and 175°12.432'E; and

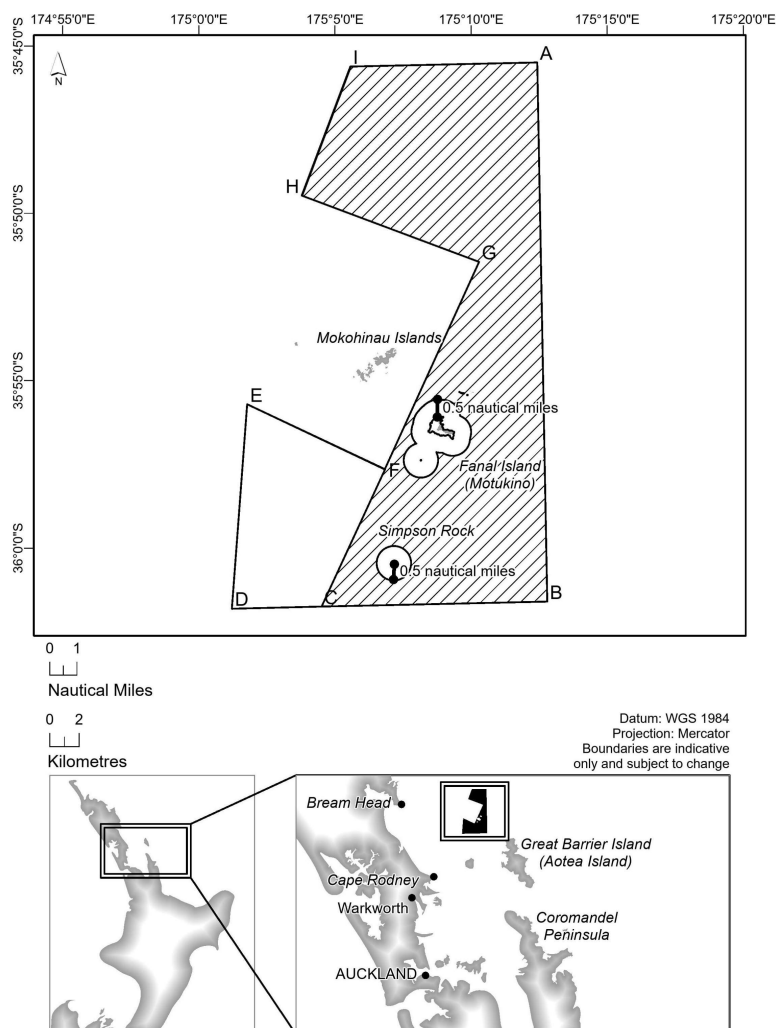
- (b) **B** is the point at 36°01.594'S and 175°12.800'E; and
- (c) **C** is the point at 36°01.743'S and 175°04.512'E; and
- (d) **D** is the point at 36°01.799'S and 175°01.231'E; and
- (e) **E** is the point at 35°55.710'S and 175°01.790'E; and
- (f) **F** is the point at 35°57.643'S and 175°06.835'E; and
- (g) **G** is the point at 35°51.453'S and 175°10.296'E; and
- (h) **H** is the point at 35°49.469'S and 175°03.781'E; and
- (i) **I** is the point at 35°45.611'S and 175°05.567'E.

5

Indicative map

For reference, the Mokohinau Islands Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.

10



*Kawau Bay Seafloor Protection Area***Name of seafloor protection area**

Kawau Bay Seafloor Protection Area

Description of seafloor protection area

The area marked on the indicative map, where—

5

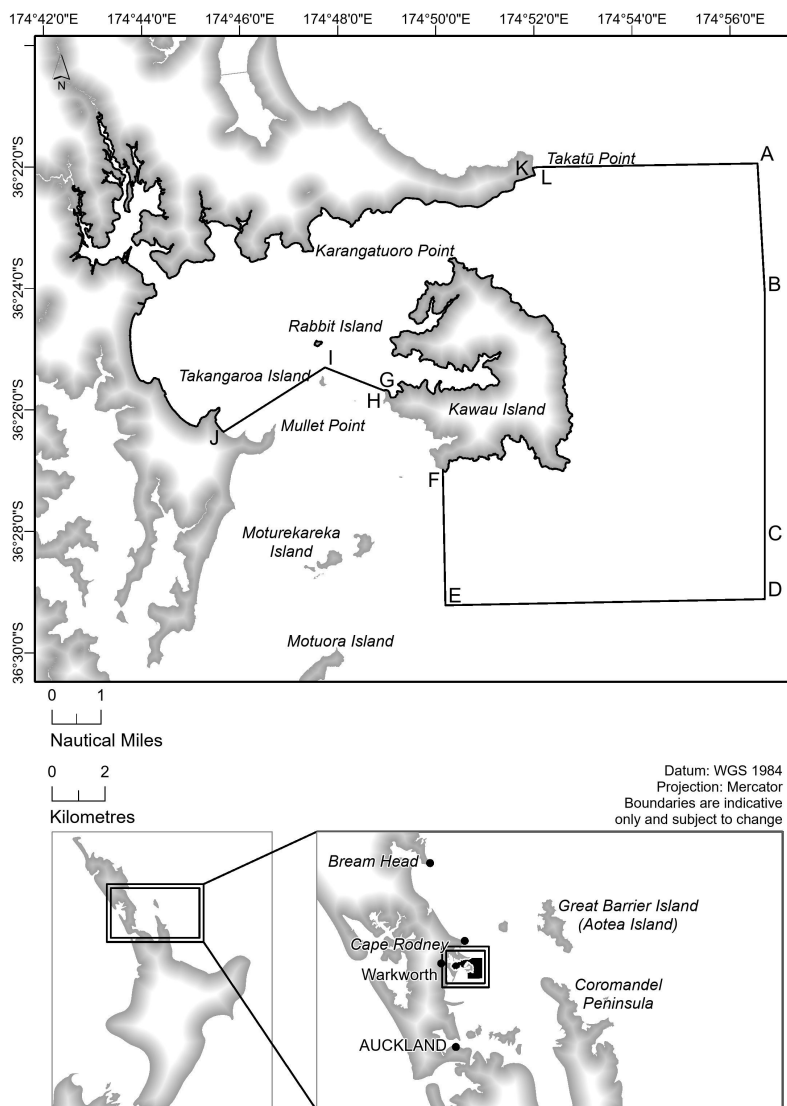
- (a) **A** is the point at 36°21.941'S and 174°56.561'E; and
- (b) **B** is the point at 36°24.091'S and 174°56.712'E; and
- (c) **C** is the point at 36°28.191'S and 174°56.712'E; and
- (d) **D** is the point at 36°29.114'S and 174°56.712'E; and
- (e) **E** is the point at 36°29.216'S and 174°50.197'E; and
- (f) **F** is the point at 36°26.983'S and 174°50.144'E; and
- (g) **G** is the point at 36°25.688'S and 174°48.950'E; and
- (h) **H** is the point at 36°25.681'S and 174°48.942'E; and
- (i) **I** is the point at 36°25.301'S and 174°47.742'E; and
- (j) **J** is the point at 36°26.363'S and 174°45.672'E; and
- (k) **K** is the point at 36°22.013'S and 174°51.977'E; and
- (l) **L** is the point at 36°22.000'S and 174°52.086'E.

10

15

Indicative map

For reference, the Kawau Bay Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.

*Tiritiri Matangi Seafloor Protection Area***Name of seafloor protection area**

5

Tiritiri Matangi Seafloor Protection Area

Description of seafloor protection area

The area marked on the indicative map, where—

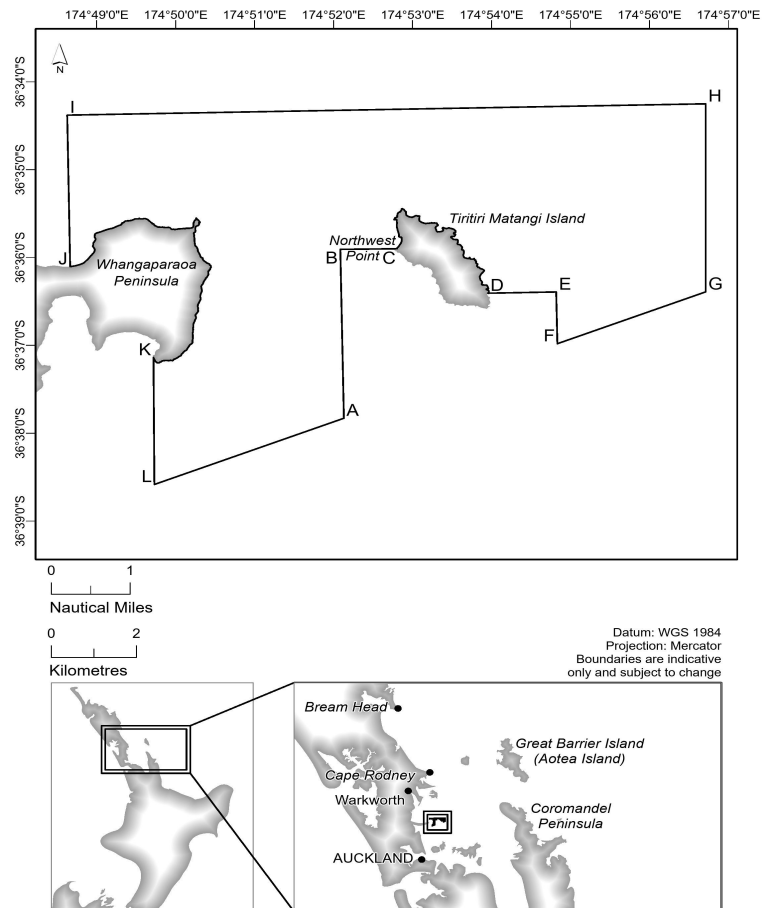
- (a) A is the point at 36°37.829'S and 174°52.131'E; and
- (b) B is the point at 36°35.907'S and 174°52.085'E; and

10

- (c) **C** is the point at 36°35.900'S and 174°52.803'E; and
- (d) **D** is the point at 36°36.406'S and 174°53.952'E; and
- (e) **E** is the point at 36°36.392'S and 174°54.819'E; and
- (f) **F** is the point at 36°36.981'S and 174°54.834'E; and
- (g) **G** is the point at 36°36.391'S and 174°56.712'E; and 5
- (h) **H** is the point at 36°34.250'S and 174°56.712'E; and
- (i) **I** is the point at 36°34.379'S and 174°48.628'E; and
- (j) **J** is the point at 36°36.103'S and 174°48.665'E; and
- (k) **K** is the point at 36°37.138'S and 174°49.720'E; and
- (l) **L** is the point at 36°38.583'S and 174°49.731'E. 10

Indicative map

For reference, the Tiritiri Matangi Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



Schedule 4

High protection areas

s 17

Te Hauturu-o-Toi / Little Barrier Island High Protection Area

Name of high protection area 5

Te Hauturu-o-Toi / Little Barrier Island High Protection Area

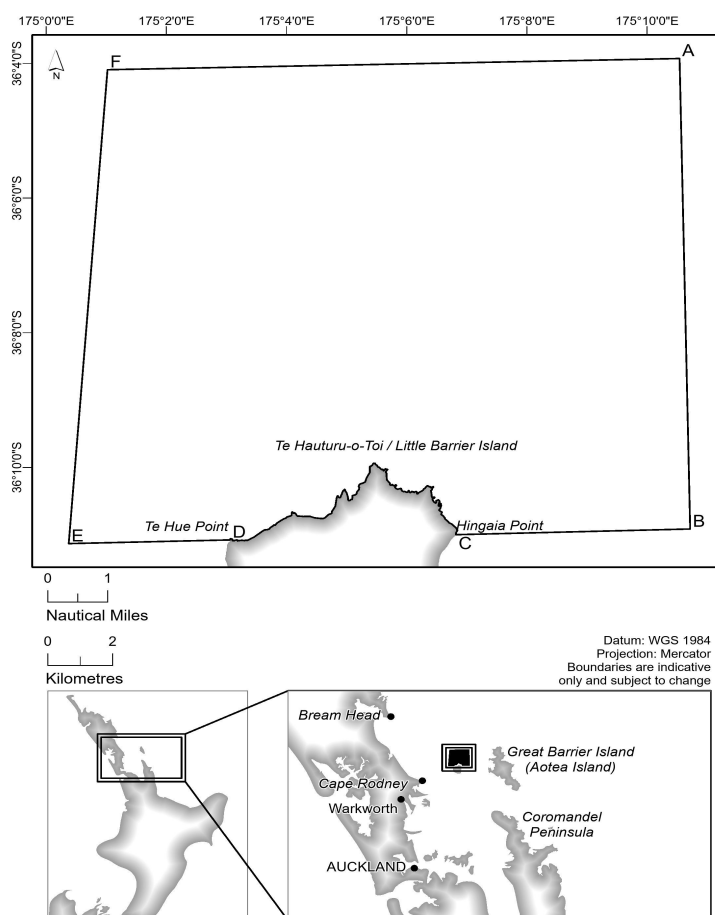
Description of high protection area

The area marked on the indicative map, where—

- (a) **A** is the point at 36°03.924'S and 175°10.541'E; and
- (b) **B** is the point at 36°10.915'S and 175°10.718'E; and 10
- (c) **C** is the point at 36°10.998'S and 175°06.819'E; and
- (d) **D** is the point at 36°11.076'S and 175°03.059'E; and
- (e) **E** is the point at 36°11.130'S and 175°00.375'E; and
- (f) **F** is the point at 36°04.091'S and 175°01.021'E.

Indicative map

For reference, the Te Hauturu-o-Toi / Little Barrier Island High Protection Area is indicated on the map, but the description overrides the map if they conflict.

*Slipper Island / Whakahau High Protection Area***Name of high protection area**

5

Slipper Island / Whakahau High Protection Area

Description of high protection area

The area marked on the indicative map, where—

- (a) **A** is the point at 37°02.852'S and 175°57.738'E; and
- (b) **B** is the point at 37°04.893'S and 175°57.817'E; and
- (c) **C** is the point at 37°04.958'S and 175°55.182'E; and
- (d) **D** is the point at 37°02.917'S and 175°55.104'E; and

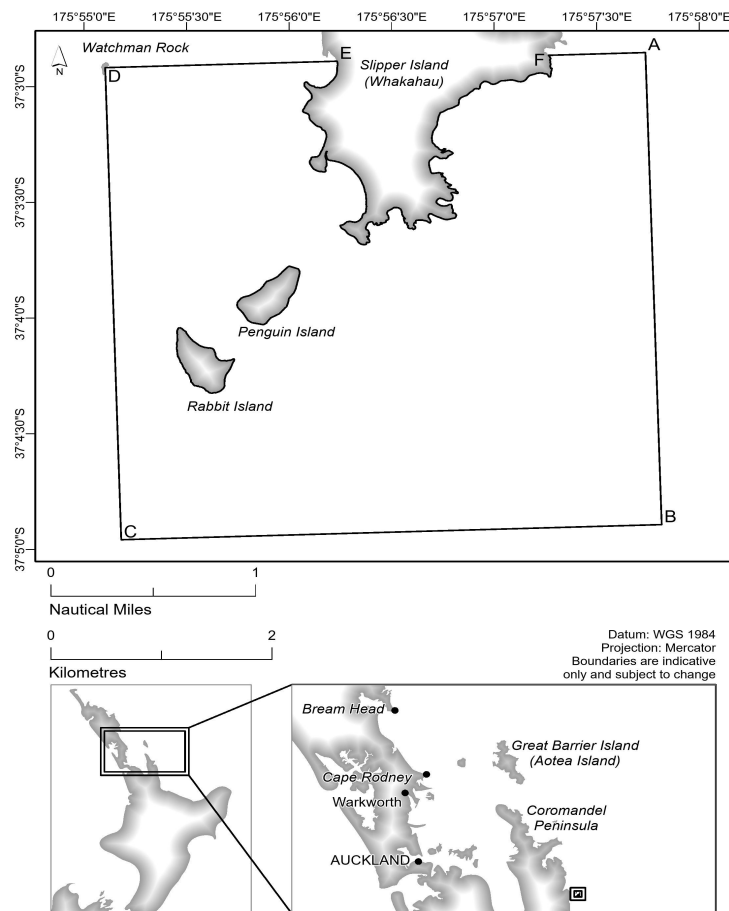
10

- (e) E is the point at 37°02.889'S and 175°56.234'E; and
 (f) F is the point at 37°02.864'S and 175°57.266'E.

Indicative map

For reference, the Slipper Island / Whakahau High Protection Area is indicated on the map, but the description overrides the map if they conflict.

5



Motukawao Islands High Protection Area

Name of high protection area

Motukawao Islands High Protection Area

Description of high protection area

The area marked on the indicative map, where—

10

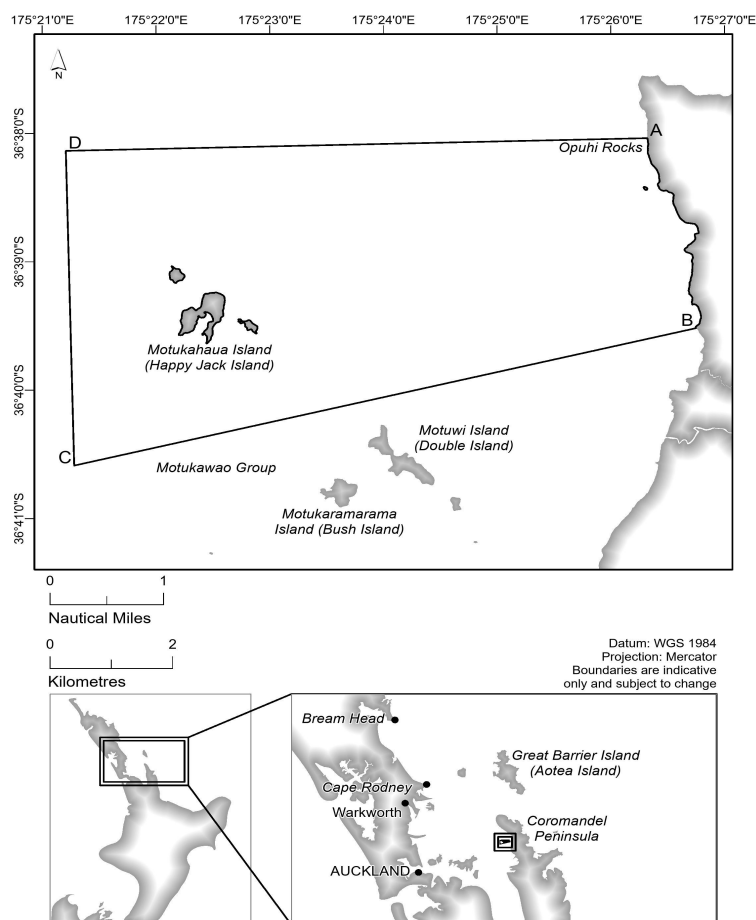
- (a) A is the point at 36°38.036'S and 175°26.323'E; and
 (b) B is the point at 36°39.517'S and 175°26.750'E; and

- (c) C is the point at 36°40.587'S and 175°21.281'E; and
 (d) D is the point at 36°38.135'S and 175°21.208'E.

Indicative map

For reference, the Motukawao Islands High Protection Area is indicated on the map, but the description overrides the map if they conflict.

5



Rotoroa Island High Protection Area

Name of high protection area

Rotoroa Island High Protection Area

Description of high protection area

The area marked on the indicative map, where—

10

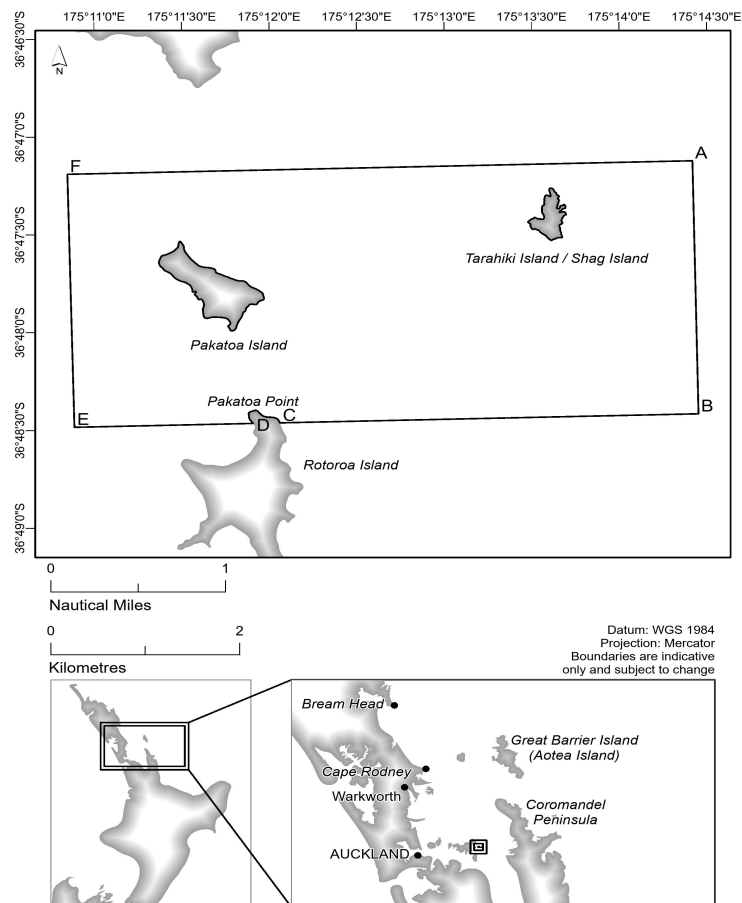
- (a) A is the point at 36°47.120'S and 175°14.420'E; and

- (b) **B** is the point at 36°48.414'S and 175°14.455'E; and
- (c) **C** is the point at 36°48.460'S and 175°12.063'E; and
- (d) **D** is the point at 36°48.463'S and 175°11.909'E; and
- (e) **E** is the point at 36°48.483'S and 175°10.889'E; and
- (f) **F** is the point at 36°47.189'S and 175°10.849'E.

5

Indicative map

For reference, the Rotoroa Island High Protection Area is indicated on the map, but the description overrides the map if they conflict.



Rangitoto and Motutapu High Protection Area

Name of high protection area

Rangitoto and Motutapu High Protection Area

10

Description of high protection area

The area marked on the indicative map, where—

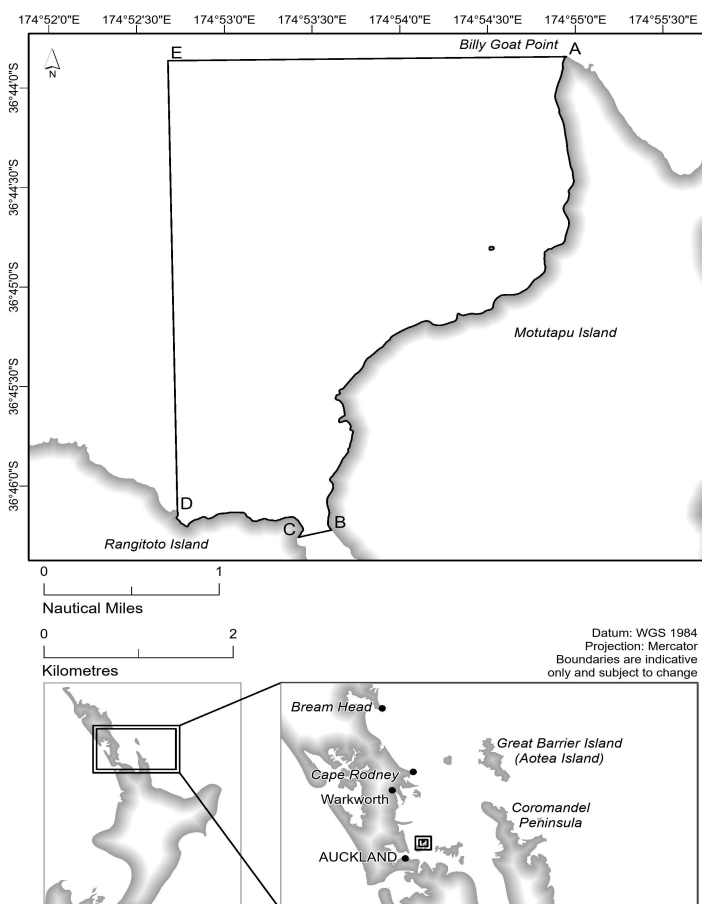
- (a) **A** is the point at 36°43.842'S and 174°54.950'E; and
- (b) **B** is the point at 36°46.221'S and 174°53.612'E; and
- (c) **C** is the point at 36°46.257'S and 174°53.422'E; and
- (d) **D** is the point at 36°46.127'S and 174°52.733'E; and
- (e) **E** is the point at 36°43.862'S and 174°52.679'E.

5

Indicative map

For reference, the Rangitoto and Motutapu High Protection Area is indicated on the map, but the description overrides the map if they conflict.

10



*Cape Colville High Protection Area***Name of high protection area**

Cape Colville High Protection Area

Description of high protection area

The area marked on the indicative map, where—

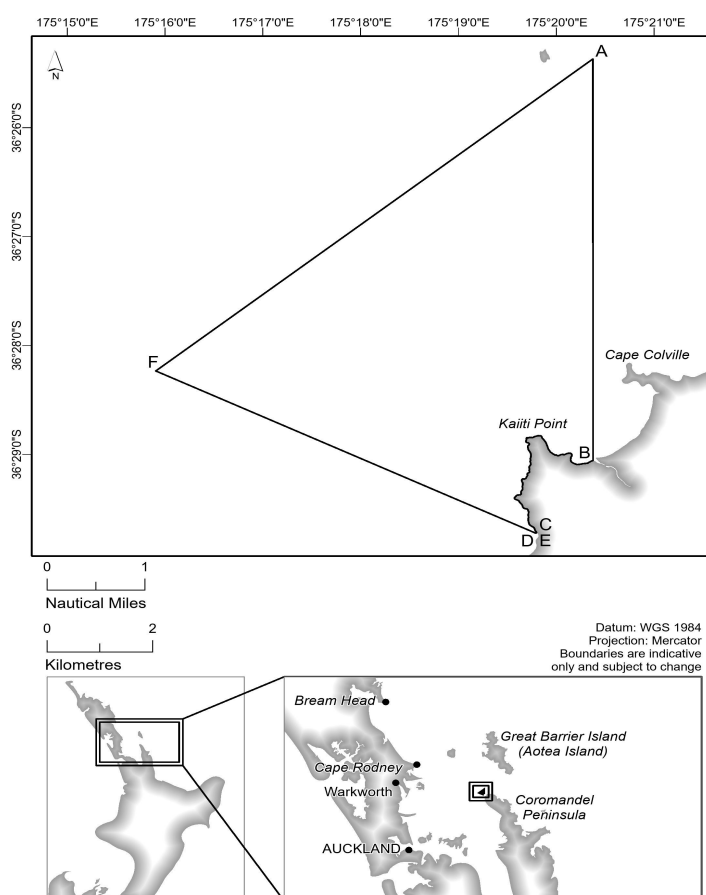
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- (a) **A** is the point at 36°25.369'S and 175°20.374'E; and
- (b) **B** is the point at 36°29.056'S and 175°20.377'E; and
- (c) **C** is the point at 36°29.715'S and 175°19.798'E; and
- (d) **D** is the point at 36°29.715'S and 175°19.798'E; and
- (e) **E** is the point at 36°29.723'S and 175°19.791'E; and
- (f) **F** is the point at 36°28.234'S and 175°15.906'E.

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Indicative map

For reference, the Cape Colville High Protection Area is indicated on the map, but the description overrides the map if they conflict.

*Mokohīnau Islands High Protection Area***Name of high protection area**

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Mokohīnau Islands High Protection Area

Description of high protection area

The area marked on the indicative map, where—

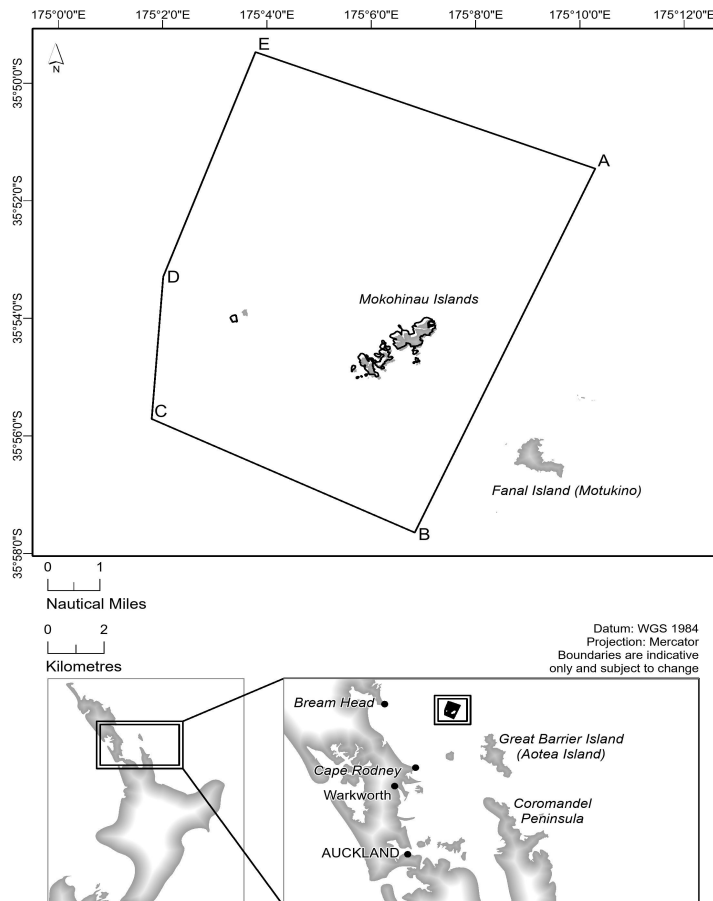
- (a) **A** is the point at 35°51.453'S and 175°10.296'E; and
- (b) **B** is the point at 35°57.643'S and 175°06.835'E; and
- (c) **C** is the point at 35°55.710'S and 175°01.790'E; and
- (d) **D** is the point at 35°53.290'S and 175°02.011'E; and

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(e) E is the point at 35°49.469'S and 175°03.781'E.

Indicative map

For reference, the Mokohīnaui Islands High Protection Area is indicated on the map, but the description overrides the map if they conflict.



Aldermen Islands / Te Ruamāhua (north) High Protection Area

5

Name of high protection area

Aldermen Islands / Te Ruamāhua (north) High Protection Area

Description of high protection area

The area marked on the indicative map, where—

- (a) A is the point at 36°46.912'S and 176°11.939'E; and
- (b) B is the point at 36°51.891'S and 176°12.147'E; and

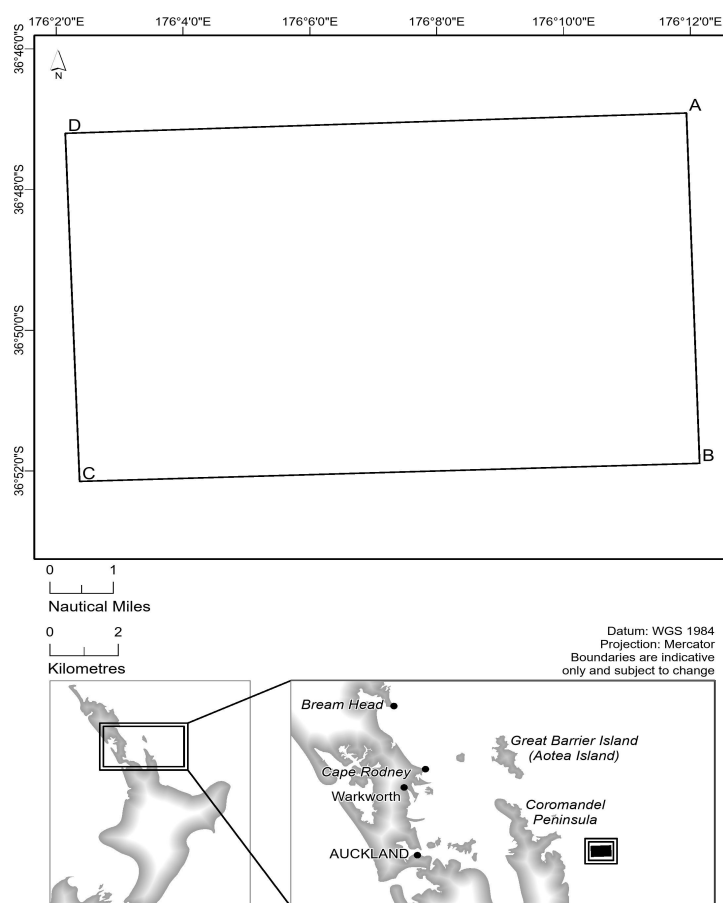
10

- (c) C is the point at 36°52.148'S and 176°02.370'E; and
 (d) D is the point at 36°47.201'S and 176°02.144'E.

Indicative map

For reference, the Aldermen Islands / Te Ruamāhua (north) High Protection Area is indicated on the map, but the description overrides the map if they conflict.

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Aldermen Islands / Te Ruamāhua (south) High Protection Area

Name of high protection area

Aldermen Islands / Te Ruamāhua (south) High Protection Area

Description of high protection area

The area marked on the indicative map, where—

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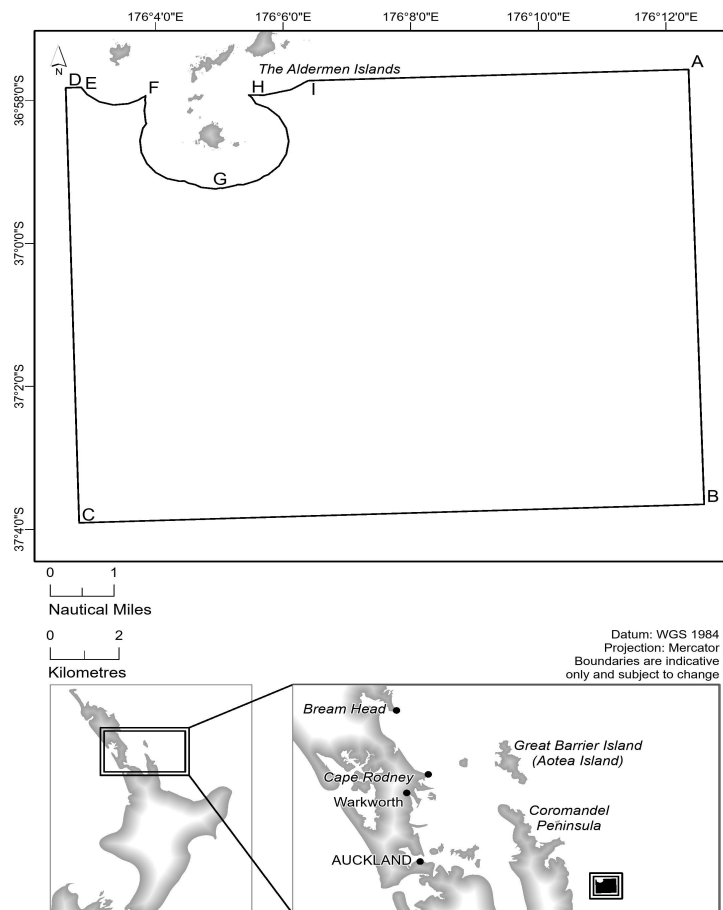
- (a) A is the point at 36°57.564'S and 176°12.354'E; and

- (b) **B** is the point at 37°03.649'S and 176°12.598'E; and
- (c) **C** is the point at 37°03.908'S and 176°02.806'E; and
- (d) **D** is the point at 36°57.821'S and 176°02.596'E; and
- (e) **E** is the point at 36°57.815'S and 176°02.838'E; and
- (f) **F** is the point at 36°57.932'S and 176°03.847'E; and
- (g) **G** is the point at 36°59.224'S and 176°05.013'E; and
- (h) **H** is the point at 36°57.921'S and 176°05.462'E; and
- (i) **I** is the point at 36°57.721'S and 176°06.396'E.

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Indicative map

For reference, the Aldermen Islands / Te Ruamāhua (south) High Protection Area is indicated on the map, but the description overrides the map if they conflict. 10



*Kawau Bay High Protection Area***Name of high protection area**

Kawau Bay High Protection Area

Description of high protection area

The area marked on the indicative map, where—

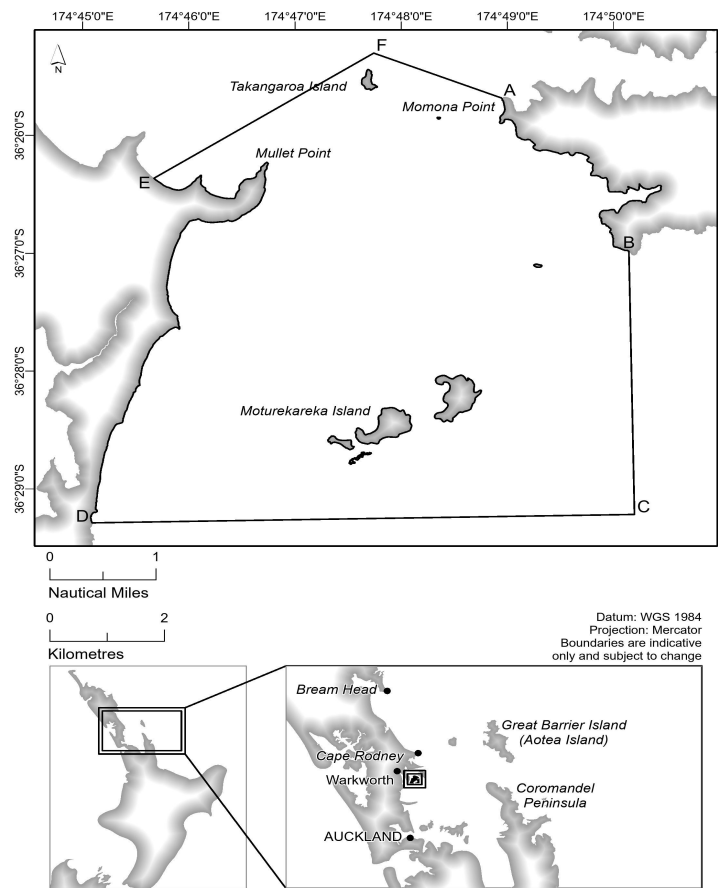
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- (a) **A** is the point at 36°25.681'S and 174°48.942'E; and
- (b) **B** is the point at 36°26.983'S and 174°50.144'E; and
- (c) **C** is the point at 36°29.216'S and 174°50.197'E; and
- (d) **D** is the point at 36°29.287'S and 174°45.090'E; and
- (e) **E** is the point at 36°26.363'S and 174°45.672'E; and
- (f) **F** is the point at 36°25.301'S and 174°47.742'E.

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Indicative map

For reference, the Kawau Bay High Protection Area is indicated on the map, but the description overrides the map if they conflict.



Tiritiri Matangi High Protection Area

Name of high protection area

5

Tiritiri Matangi High Protection Area

Description of high protection area

The area marked on the indicative map, where—

- (a) A is the point at 36°37.829'S and 174°52.131'E; and
- (b) B is the point at 36°35.907'S and 174°52.085'E; and
- (c) C is the point at 36°35.900'S and 174°52.803'E; and
- (d) D is the point at 36°36.406'S and 174°53.952'E; and

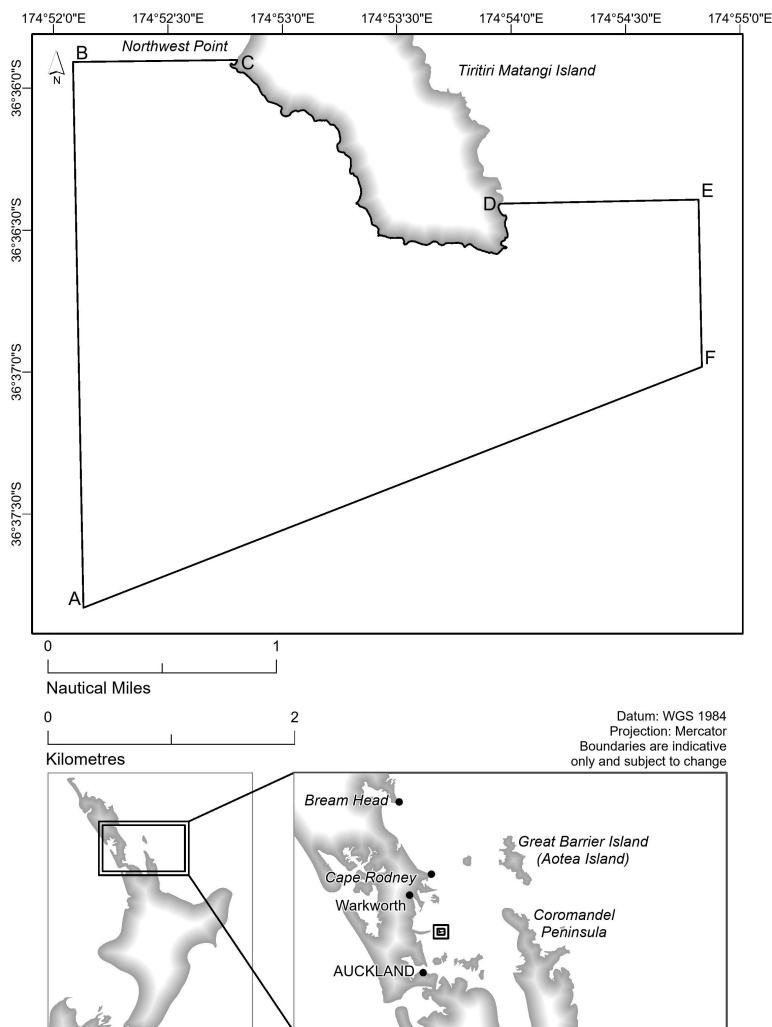
10

- (e) E is the point at 36°36.392'S and 174°54.819'E; and
 (f) F is the point at 36°36.981'S and 174°54.834'E.

Indicative map

For reference, the Tiritiri Matangi High Protection Area is indicated on the map, but the description overrides the map if they conflict.

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Ōtata / Noises Island High Protection Area

Name of high protection area

Ōtata / Noises Island High Protection Area

Description of high protection area

The area marked on the indicative map, where—

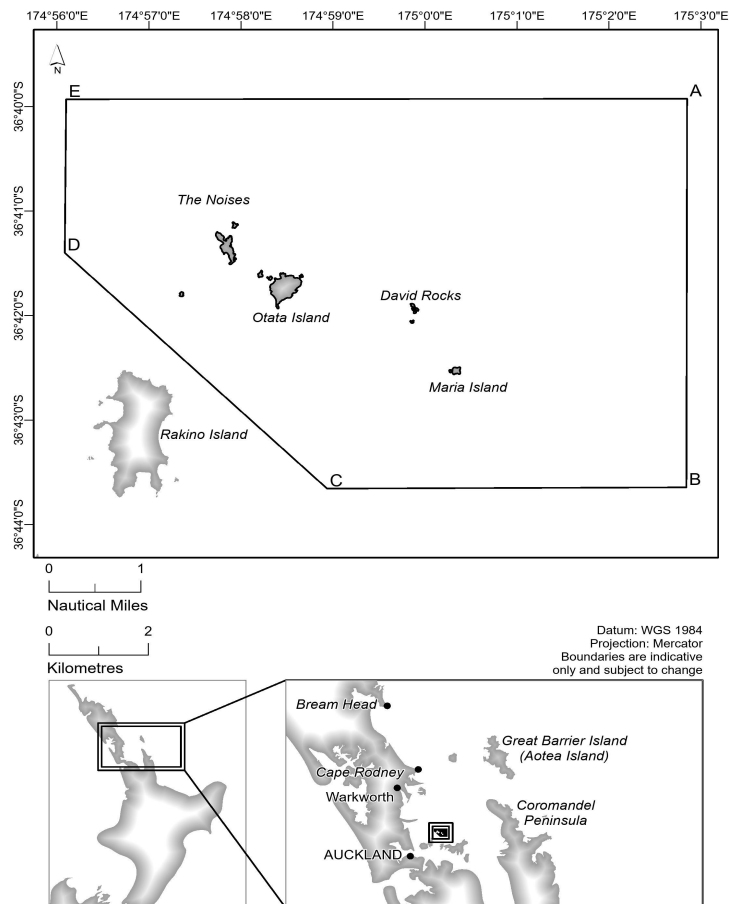
10

- (a) A is the point at 36°39.924'S and 175°02.849'E; and
 (b) B is the point at 36°43.643'S and 175°02.842'E; and

- (c) **C** is the point at 36°43.655'S and 174°58.936'E; and
- (d) **D** is the point at 36°41.399'S and 174°56.085'E; and
- (e) **E** is the point at 36°39.930'S and 174°56.100'E.

Indicative map

For reference, the Ōtata / Noises Island High Protection Area is indicated on the map, 5 but the description overrides the map if they conflict.



Schedule 5

Consequential amendments

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Part 1

Amendments to Acts

5

Crown Minerals Act 1991 (1991 No 70)

In Schedule 4, after item 14, insert:

15 All high protection areas declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

16 All seafloor protection areas declared by **section 13** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**. 10

Environment Act 1986 (1986 No 127)

In the Schedule, insert in its appropriate alphabetical order:

Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72) 15

After section 7(2)(g), insert:

(gaaa) Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**:

Hauraki Gulf Marine Park Act 2000 (2000 No 1)

After section 33(2)(h), insert: 20

(i) all high protection areas declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**:

(j) all seafloor protection areas declared by **section 13** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

In section 37(1), replace “marine reserve,” with “a marine reserve, a high protection area, a seafloor protection area.” 25

After section 40(a), insert:

(aa) remove any seafloor protection area or high protection area from the Park; or

In Schedule 1, insert in its appropriate alphabetical order: 30

Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**

Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, after the item relating to section 50(1) of the Gas Act 1992, insert:

Search and Surveillance Act 2012 (2012 No 24)—continued

Hauraki Gulf / Tīkapa Moana Marine Protection Act 2023	38(2)	Ranger may, for the purposes of monitoring compliance with the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2023 and any requirements imposed by that Act, require a person to stop, or to stop any vehicle, vessel, or conveyance in that person's control, to answer any questions reasonably necessary to establish whether the person is complying with that Act, and to produce certain documents.	All (except subpart 3).
	39(2) and (3)	Ranger may stop, enter, and search any vehicle, vessel, aircraft, or structure, or open and search any parcel package, container, or luggage, in the control of a person, and may exercise certain powers of seizure, if the ranger reasonably believes that the person has committed an offence against the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2023 or any regulations made under that Act.	All (except subpart 3).

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), definition of **infringement notice**, after paragraph (ih), insert:

- (ii) **section 51** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**; or

Part 2

5

Amendments to secondary legislation**Land Transport (Road User) Rule 2004 (SR 2004/427)**

After rule 8.5(1)(ab)(iii), insert:

- (iv) a ranger (as defined in **section 5** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**) to exercise a power to stop conferred on the ranger under **section 38 or 39** of that Act; or

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Resource Management (Marine Pollution) Regulations 1998 (SR 1998/208)

After regulation 11(2)(e), insert:

- (f) more than 200 metres (1.108 nautical miles) from a high protection area declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

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